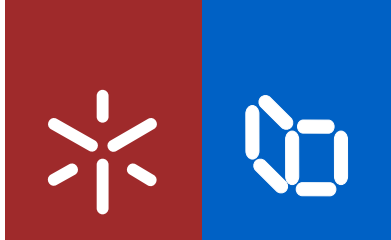




**Universidade do Minho**  
Instituto de Letras e Ciências Humanas

Júlio Sarmiento Lopes

**LOVE, COURTSHIP AND MARRIAGE IN  
VICTORIAN ENGLAND, WITH SPECIAL  
REFERENCE TO THE CASE OF CAROLINE  
NORTON**



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Dissertação de Mestrado

Mestrado em Língua, Literatura e Cultura Inglesas

Trabalho realizado sob a orientação da

**Professora Doutora Joanne Madin Vieira Paisana**

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I never thought that one day it would be, but it happened at last [on graduation from university]. (Júlio Sarmento Lopes, Dili, 1999)

Things may seem impossible to achieve at the start, but strong willpower will make them possible in the end. [on beginning the Master's course]. (Júlio Sarmento Lopes, Braga, 2011)

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## ABSTRACT

This thesis considers issues regarding a married woman's ownership of property, divorce and child custody, during the Victorian period. The punitive and unequal nature of the divorce laws had a deterrent effect on women seeking to break their matrimonial ties, for they were dissuaded from seeking legal escape from an unsatisfactory marriage.

Caroline Elizabeth Sarah Sheridan Norton fought to change the unfair marriage laws which she came to regard as punitive shackles. Taking her story as a case study, the legal framework of marriage and its implications for women will be analysed.

Rather than focus entirely on the negative facets of the marriage institution, this thesis will also examine the courtship and marriage rituals in vogue during Queen Victoria's reign, thereby shedding light on the social mores of the time.



## RESUMO

Esta dissertação considera questões relativas à propriedade de uma mulher casada, ao divórcio e à custódia de crianças, durante o período vitoriano. A natureza punitiva e a desigualdade das leis do divórcio tiveram um efeito repressivo sobre as mulheres que pretendiam quebrar os seus laços matrimoniais, as quais eram dissuadidas de procurar uma solução legal para um casamento insatisfatório.

Caroline Elizabeth Sarah Sheridan Norton lutou para mudar as leis matrimoniais injustas, que encarava como algemas punitivas. Neste sentido, fazendo da sua história um estudo de caso, serão analisados o enquadramento legal do casamento e as suas implicações para as mulheres.

Em vez de se concentrar inteiramente nas facetas negativas da instituição do casamento, esta dissertação também examinará os rituais de namoro e de casamento em voga durante o reinado da Rainha Victoria, focando, assim, as normas sociais da época.





# CONTENT

	Page
ACKNOWLEDGEMENT	iii
ABSTRACT	v
RESUMO	vii
CONTENT	ix
LIST OF FIGURES	x
LIST OF APPENDICES	xi
INTRODUCTION	3
Chapter I UPPER CLASS VICTORIAN WOMEN	9
1.1 Female Roles: wives and mothers	10
1.2 Love	19
Chapter 2 VICTORIAN COURTSHIP AND MARRIAGE RITUALS	25
2.1 Courtship Rituals	27
2.2 Marriage Rituals	35
Chapter 3 VICTORIAN MARRIAGE: DIVORCE, PROPERTY AND CHILD CUSTODY LAWS	45
3.1 Marriage as an Institution	46
3.2 Married Women and Divorce	52
3.3 Married Women and Property	54
3.4 Married Women and Child Custody	58
Chapter 4 THE CASE OF CAROLINE NORTON	61
4.1 The background	62
4.2 The scandal	67
4.3 The significance	71
CONCLUSION	75

BIBLIOGRAPHY	81
APPENDICES	93

## LIST OF FIGURES

	Page
Fig. 1 Queen Victoria and Prince Albert's Wedding, 1840	1
Fig. 2 Queen Victoria and family	9
Fig. 3 Queen Victoria's wedding ceremony	25
Fig. 4 Victoria and Albert's wedding, <i>The Young Victoria</i>	39
Fig. 5 The Right Honourable the Lord Cranworth, The Lord Chancellor	45
Fig.6 Caroline Norton	61

## LIST OF APPENDICES

	Page
Appendix 1 MARRIAGE and CHILD CUSTODY LAW CHRONOLOGY	93
Appendix 2 CAROLINE NORTON'S PUBLICATIONS	97
Appendix 3 LETTERS OF RECOMMENDATION	99





Fig. 1 Queen Victoria and Prince Albert's Wedding, 1840



## INTRODUCTION

The concepts of love, courtship and marriage in England, the focus of this thesis, have changed over time although common threads can be detected. Matrimony, not only for the Victorians, symbolises unity, and its importance transcends the individuals concerned for it is undeniably central to society as a whole. It constitutes a tradition that transcends temporal, cultural and national boundaries. The marriage ritual may have different contours depending on the time and geographic location of the participants but the union of two people always figures at the core, and the ceremony involves safeguarding the fidelity of couples.

Marriage in medieval times was the most significant rite of passage in young women's lives. Most women would marry at least once. Afterwards they were considered as the property of the husband. Throughout the middle ages, an arranged marriage, supervised by parents and kindred and sometimes by lord and the king, was viewed as necessary for the long term interests of the family, as well as the couple.

The position of women in England underwent a radical change for the worse in the period immediately following the Norman Conquest, and Hollis blames the church for a gradual worsening of the woman's position in marriage:

The evidence which has survived from Anglo-Saxon England indicates that women were more nearly the equal companions of their husbands and brothers than at any other period before the modern age. In the higher ranges of society this rough and ready partnership was ended by the Normans. [...] With all allowances for the efforts of individual churchmen to help individual women, it must be confessed that the teaching of medieval church reinforced the subjection which feudal law imposed on all wives (Hollis, 1992: 2).

It would be many centuries before married women regained equality in marriage.

The centuries preceding the nineteenth are replete with courtship and marriage traditions which would have seemed strange to the Victorians. For example, in the early Middle Ages the wedlock ritual was an oral transaction for the common people which did not require expensive legal documents. The ritual normally involved not only both families but also the respective neighbourhoods.

Marriage in many countries today is expected to have mutual love and deep respect, trust and confidence between the two parties, even before the union, in order to bind and strengthen future life. However, the association of love with marriage is a relatively modern concept in England and the western world generally. Indeed, there are many places in the world today where the link is not considered important, where arranged marriages are still common, where interests other than love between two parties are uppermost.

Throughout the Victorian era, the legal institution or bond of marriage was of paramount importance, especially for the woman; 'marriage established her rank, role, social status, and place of residence, economic circumstances, and the way of life' (Foster, 1985 *apud* Mitchell, 267). If love is a factor that was not always in the English marriage equation, its presence was constantly sought from the early nineteenth century. Writers such as Charlotte Bronte (*Jane Eyre*), Charles Dickens (*David Copperfield*) and George Eliot (*Middlemarch*) defined new concepts of love and marriage, so-called 'satisfying marriages of companionate souls'. A love-filled, companionate marriage was the dream of many Victorian women although the largely patriarchal and authoritarian model, with marriage relying on parental decisions guided by the mutual benefits of social and economic exchange, was common for the upper classes during the better part of the nineteenth century. However, a love-filled marriage became ever more desirable and as a result those who were marrying were gradually given more control over choosing their own partners. Marriage gradually became not just a transaction between families facilitated by the head of households; it was instead imagined as a union of companions who emotionally enrich each other's lives. As Stephanie Coontz explains:



The sentimentalization of marriage in the Victorian period was a radical social experiment. The Victorians were the first people in history to try to make marriage the pivotal experience in people's lives and married love the principle focus of their emotions, obligations, and satisfactions. [...] Victorian marriage harboured all the hopes for romantic love, intimacy, personal fulfilment, and mutual happiness that were to be expressed more openly and urgently during the early twentieth century (Phegley, 2012: 2).

Jane Welsh's conception of romantic love, as she expressed it in a letter to her future husband, the Victorian philosopher Thomas Carlyle, reflected popular sentiments that were transforming notions of the very purpose of matrimony. For her, love could make any problem solvable and any burden bearable. Unfortunately, as Coontz points out, 'this hope for love and intimacy was continually frustrated by the rigidity of the nineteenth century gender roles' (Phegley, 2012: 3). While Carlyle wrote his philosophical and historical treatise, Jane was expected to minister to his every need.

Queen Victoria and Prince Albert are considered to have had an ideal marriage, the iconic couple standing as a beacon of companionship and domesticity. They married on February 10, 1840, both only 20 years old. Victoria had reigned for fewer than three years. The couple faced many challenges, including the controversy surrounding Albert's German heritage and the Queen's volatile temper. A woman could traditionally propose to a man on February 29, a leap year, but Victoria did not need this tradition for she proposed to Albert in October 1839. She made a grand effort to emphasise her domesticity, and they seem to embody Victorian family values. She undoubtedly had unrivalled power over her husband and the nation, yet Victoria and Albert were most likely in love and certainly companionable. She wrote in her journal soon after their wedding:

MY DEAREST DEAR Albert sat on a footstool by my side, and his exercise love and affection gave me feelings of heavenly love and happiness I never could have hoped to have felt before! He clasped me in his arms, and we kissed each other again! His beauty, his sweetness

and gentleness—really how can I ever be thankful enough to have such a husband! (*id ibidem*)

This thesis will examine love, courtship and marriage in Victorian England from the standpoint of the woman, and will pay particular attention to the groundbreaking efforts of Caroline Elizabeth Sarah Sheridan Norton (1808-1877) regarding changes in legal aspects of divorce. Primary source documents were consulted in the British Library and the Goldsmiths library, University of London. Especially useful were *A Separation of Mother and Child by the 'Law of Custody Infants' Considered* (1838), *A Plain Letter to the Lord Chancellor on the Infant Custody Bill* (1839), *English Law for Women in the Nineteenth-Century* (1854) and *A letter to the Queen on Lord Chancellor Cranworth's Marriage and Divorce Bills* (1855) and *Etiquette of Love, Courtship and Marriage*, (1885). On-line sources were also important, especially regarding laws. Official government sites and others were invaluable.

Regarding the structure of this thesis, chapter one deals with upper class Victorian women as wives and mothers. Victorian women's roles in society emphasized the natural separation of the spheres on a gender basis, and young girls were brought up primarily to be good wives and mothers particularly in middle and upper class Victorian Britain. Traditionally, perfect women were viewed as dutiful wives and guardians of the family while the education available to them came with the assumption that they would be trained to be caretakers and educators of the next generation. Women in nineteenth-century England experienced a 'lifetime of personal subordination' that began with subjection to paternal control in their parents' home (Leadle, 2001: 38). The concept of love, an essential ingredient of marriage, is also examined in this first chapter. Chapter two examines Victorian courtship and marriage rituals. It was felt that these should be included because they play an important part in the lives of a couple and reveal interesting aspects of the relationship. Courtship was a 'tryout' period of acquaintance between both partners to examine if they were suitable partners for a lifetime commitment. Various aspects are examined, such as; distance communication (love letters), meeting face to face (chaperonage), dancing (balls), using the ring for transmitting the desired

message (love telegraph) etc. Chapter three looks at divorce, property and child custody laws. The main laws are described and the legal disabilities for women expounded. Chapter four analyses the case of Caroline Elizabeth Sarah Norton. It was felt necessary to highlight Norton's work regarding legal reforms for divorcing women for she was so important in this area, working tirelessly to improve the disabilities. The Conclusion comments on the changing situation of divorcing upper class Victorian women and assesses Norton's influence overall.



## CHAPTER 1

### UPPER CLASS VICTORIAN WOMEN: ROLES AND LOVE



Fig. 2 Queen Victoria and family<sup>1</sup>

It is a commonplace that the head of the Victorian household was the man/husband, the wife playing an extremely crucial but secondary role in counselling her husband on decisions of a family nature. An exception to this rule was Queen Victoria (1819-1901) who became a queen when she was 18 years old and who proposed marriage to her cousin Prince Albert when she was 21 thereby practising role reversal early in life. Calling Albert her 'angel' - Coventry Patmore's royal 'angel in the house', he became overseer and organizer of the home while his wife attended to the business of the nation. However, Queen Victoria certainly fulfilled the expected female role of wife and mother. They had nine children whom they loved very much - four boys and five girls (see the painting by Franz Winterhalter above). Victoria had been lonely as

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<sup>1</sup> Painting by Franz Xaver Winterhalter, 1846, left to right: Prince Alfred and the Prince of Wales; the Queen and Prince Albert; Princesses Alice, Helena and Victoria.

a child, so she enjoyed spending time with her own children. Prince Albert was a strict father who believed that children should work hard, but he also enjoyed playing games with his children. Their happy family life became a model for all Victorian families (Barber, 2011: 4). Although Jane Ridley disputes the 'happy family' idea in her book *Bertie: A Life of Edward VII*, (2012). Victoria was notoriously strict with all her offspring.

## 1.1 Female Roles: wives and mothers

According to Foster (1985: 5), upper class Victorian women were regarded as models of womanly virtue. This implies that women were always obedient to men by means of sacrifice and modesty. Moral purity and service were thought to be best expressed in the vocation of wife and mother, regarded as a gift bestowed by nature - an angelic figure which finds its best-known definition in Patmore's paean to married bliss, *The Angel in the House*. Patmore used his wife Emily as a model for describing woman's angelic character. He viewed women as peaceful, artistic and supreme. Patmore is known for his worship of the domestic goddess who selflessly serves her husband. His vision of marriage was also reliant on the ideal of an equivalent union of souls. He classified marriage as nature's 'arithmetic of life,' in which 'the smallest unit is a pair' (Phegley, 2012: 5).<sup>2</sup>

Patmore, in his book *Choice Poems and Lyrics*, (1862), writes about feelings of love between two beings that are different but have the same perception of compassion. He illustrates how to build the ideal loving relationship between a woman and man, as he says;

Man must be pleased; but him to please  
Is woman's pleasure; down the gulf  
Of his condoled necessities  
She casts her best, she flings herself.  
How often flings for nought, and yokes  
Her heart to an icicle or whim,

---

<sup>2</sup> Patmore's conviction is a reality today in some developing countries, for example Timor-Leste, where the women are still considered as trustees of the home. Thus, through advocating the treatment of women as royalty, Patmore's ideas can be considered as still being alive and well in most middle and upper class Timorese families, just as they were in nineteenth-century England.

Whose each impatient word provokes  
 Another, not from her, but him;  
 While she, too gentle even to force  
 His penitence by kind replies,  
 Waits by, expecting his remorse,  
 With pardon in her pitying eyes;  
 And if he once, by shame oppress'd,  
 A comfortable word confers,  
 She leans and weeps against his breast,  
 And seems to think the sin was hers;  
 Or any eye to see her charms,  
 At any time, she's still his wife,  
 Dearly devoted to his arms;  
 She loves with love that cannot tire;  
 And when, ah woe, she loves alone,  
 Through passionate duty love springs higher,  
 As grass grows taller round a stone. (38)

The poem demonstrates how men and women in the nineteenth century normally interacted when they became a couple: 'Man must be pleased; but him to please is woman's pleasure.' By performing this role in the marriage, emotional and economic stability was engendered inside and outside the household. However, Patmore's concept did not consider lower class women's perfection because he and his wife Emily represented the values of middle- and upper-class Victorian women. Therefore, it must be remembered that Patmore's Angel is a middle-/upper –class cherub.

Concerning male/female roles, the Enlightenment philosopher Jean-Jacques Rousseau (1712-1778) has much to say. His opinion on gender roles/education was that males and females had much in common, namely the ability for learning in order to achieve advancement. However, he differentiated between the sexes regarding the type of education needed. *Emile*, 1762, represents Rousseau's notion that young ladies and female adults needed to be educated in order to become wives and mothers as well as companions of men. The idea that a woman's duty was as house keeper is noteworthy. She was the protector

of the inner light inside the house. Sophy reflects the female character that had been educated to be modest, maternal and companionate, cultivating a desire to please (Twells, 2007: 11).

Rousseau's concepts of men and women highly inclined to the patriarchal system as he put forward that a woman's personality was unresponsive and weak and a man's was active and productive. His views on women's biological and social traits, duty and physiology are well known. At the time a girl is born her life is entirely conditioned and programmed by her sexuality, by her 'nature' as female: 'A male is male only at certain moments, whereas female is female for her life [...]; she is constantly reminded of her sex, he maintains' (*Emile*, IV: 697: *apud* Trouille, 1997: 15). Rousseau considers the physical, the rational and reasonable and the social as a way to explain the existence of the two species, each with their role. Further, he illustrates that the anatomy of women serves the purpose of distinguishing them from men and identifies their primary activity and destiny, which in Rousseau's point of view is to promote and defend with the aim of guaranteeing the survival of the species. He brought up this natural teleology either to regulate the use of education of women or to explain their difference. Rousseau's view of nature and his conception of masculinity is highly subjective, however. In his notions, it is nature that determines that the males are born to be free and correspondingly that women are dependent, unequal, and subordinate:

[...] destined to obey a being as imperfect as man a woman should learn to suffer even to suffer injustice—at an early age and to bear the wrongs of her husband without complaint. You will never reduce boys to the point; their inner sense of justice rises up and rebels against such injustice, which nature never intended them to tolerate (*Emile*, IV: 710: 11: *apud* Trouille, 1997: 16).

According to Rousseau's notions of education, knowledge can be transmitted to mankind in three ways, from nature, from men, or from things. Rousseau defines the spiritual growth of our organs and our faculties as being due to the teaching of nature, the use we learn to make of this growth is the education of men, and what we gain by our experience of our surroundings is the education



of things. Therefore, Rousseau emphasized the importance of education for a human being as essential to changing lives. He declared that education was badly needed since; 'We are born weak, we need strength, helpless we need aid and foolish we need reason. All that we lack at birth, all that we need when we come to man's estate is the gift of education' (Rousseau, 2009: 11).

In reality, Rousseau was not in favour of equal education for women but he believed not only that woman was weak in intellect, but also that to even attempt to educate her as one did a man was doing her a disservice: 'do not try to make your daughter a good man in defiance of nature.' In this sense, it does not mean that they cannot learn, but the education for them is to train them to be a good mother for the household. 'they should learn many things, but only such things as are suitable' (Rousseau, 1974:327 *apud* Whaley, 2003: 120).

Women and men are both different and complementary; they need education for their respective sexually conditioned roles. The consequence is that the education of women is opposed to the education of men and yet, according to Rousseau, both are equally 'natural.' From the assumption that woman's natural mission is to please, support, and ultimately influence men – and specifically their future husband - Rousseau infers that the appropriate education for them will be the mirror image of that suited to men (Riley, 2001: 261). For Rousseau, sex determines all.

John Ruskin regarded men and women as being naturally sharply different in mind and temperament. He separates the characters of men and women thus:

The man's power is active, progressive, defensive. He is eminently the doer, the creator, the discoverer, the defender. His intellect is for speculation and invention; his energy for adventure, for war, and for conquest, wherever war is just, wherever conquest necessary. But the woman's power is for rule, not for battle, — and her intellect is not for invention or creation, but for sweet ordering, arrangement and decision. She sees the qualities of things, their claims and their places...by her office, and place, she is protected from all danger and temptation... (Richards, 2007: 2).

His notion of the feminine clearly portrays women as infantile, innocent and inspiring men to chivalry. Women are companions and comforters for men. In addition to that, women have the responsibility of taking care of everything related to men's necessities and of creating an atmosphere of peace at home - a haven in a hostile world (Twells, 2007: 14).<sup>3</sup> Ruskin's ideas, as expressed in 'Of Queens' Gardens,' should be seen in the context of the mid-nineteenth century when male domination was prevalent. Despite this, Ruskin postulates remarkably that women's power is for 'rule but not battle' (Wood, 2000: 738). In this sense, women get exceptional treatment in terms of protection, for certain situations, such as war, require men to perform the task. (This idea is considered by many modern women writers as unfair treatment). Whereas a man's work is to protect, maintain, provide progress and defend, the woman's duty, as a member of the commonwealth, is to assist in the ordering, in the comforting, and in the beautiful adornment of the state (Langland, 1995: 77).

Ruskin attempted to convince the Victorian upper class to support the idea of a woman's place being in the domestic sphere through comparing the home to a kingdom compete with throne;

Power to heal, to redeem, to guide and to guard. Power of the sceptre and shield; the power of the royal hand that heals in touching—that binds the fiend, and looses the captives; the throne that is founded on the rock of justice, and descended from only by steps of mercy. Will you not covet such power as this, and seek such throne as this, and be no more housewives but queen ('Of Queens' Gardens', 71-72: *apud* Homnas, 1998: 72).

There is a clear attempt to persuade women that theirs was the higher domain. Many female writers also supported the idea of woman/home/domestic harmony. One such is Mrs Sandford who postulates in 1842 that domestic life is the leading sphere of a woman's influence in society, part of their social and domestic character. In this respect, women are considered useful, playing an important role inside the house. Domestic duty is the chief source of power and influence. Further, she contends that a mother is the model of tenderness,

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<sup>3</sup> [http://www.wwnorton.com/college/english/nael/victorian/topic\\_2/ruskin.htm](http://www.wwnorton.com/college/english/nael/victorian/topic_2/ruskin.htm) accessed on: 15/1/13.

being a nurse, a patient instructor, and a sympathising and forgiving person who devotes herself to her children and shows the characteristics of her love, which should be imitated. Therefore, the greatest gift a woman can bestow is domestic comfort, for happiness is almost an element of sexual morality, a way to encourage and promote the character of men, encouraging domestic peace. Women conferred dignity on domesticity;

A woman may make a man's home delightful, and may thus increase his motives for virtuous exertion. She may refine and tranquilize his mind, - may turn away his anger or allay his grief. Her smile may be the happy influence to gladden his heart and to disperse the cloud that gathers on his brow. And in proportion to her endeavours to make those around her happy, she will be esteemed and loved. She will secure by her excellence that interest and regard which she might formerly claim as the privilege of her sex, and will really merit the deference which was then conceded to her as a matter of course (*Mrs Sandford*, 1842: 6).

Sarah Lewis, in *Woman's Mission* (1839) also strongly affirms woman's difference regarding education, feminine influence and the domestic sphere, or as the title of her book implies, 'woman's mission'. Above all, the chief emphasis is that the object of women's education is to enlighten women and to prepare them for their duty as wife and mother. Following Lewis' treatise, it is discernible that women can improve society by being caretakers and educators of the next generation. Lewis asserts that the key to success is in early influences which have more power in forming character than institutions or mental cultivation. Such arguments, therefore, which projected the wider scope for female influence in society, also serve to restrict women's activities to the realm of the private and the domestic.

Mrs Ellis (1839), another spokesperson for the conservative view of womanhood, takes it for granted that it is a woman's responsibility to make peace in the family as well as to devote herself to the service of other members inside the house. Women are said to be transformable, relative creatures, well suited to their most baronial job in the household sphere. She states that the domestic duties call forth the best energies of the female characters. Based on female domestic responsibilities, Mrs Ellis calls the women of England to bear in

mind that the word 'presides' itself can raise a man's tension, but she assures the men that her highest aim does not extend beyond the act of warning the women of England back to their domestic duties, in order that they may become better wives, more useful daughters, and mothers. However, Mrs Ellis' also asserts;

On the other hand I am equally aware that a work such as I am proposing to myself must be liable to the condemnation of all modern young ladies, as a homely, understanding book, and wholly unsuited to the present enlightened times. I must therefore endeavour also to conciliate their good will, by assuring them, that all which is most lovely, poetical, and interesting, nay, even heroic in women, derives its existence from the source I am now about to open to their view, with all the ability I am able to command;- and would it were a hundred-fold for their sakes (Ellis, 1839: 54).

Further, she blames the woman when the conjugal tie breaks, saying the wife will be blamed because she misguided her suitor throughout the time of courtship. The later 'falling off' toward him suggests that her mind was low enough to be influenced by the desire of establishing herself in an eligible home. Clearly, she points here to the paramount importance for women of material over emotional needs, and tries to stem the growing restlessness evident in many women of the time.

In terms of advocating for equal opportunities, Mary Astell's *A Serious proposal to the Ladies*, 1694 & 1697, is important. She is an early example of a woman advocating gender equality through education. Catherine Macaulay, *Letters on Education*, 1790, and Mary Robinson, *A Letter to the Women of England*, 1799, wrote in a similar vein. However, Mary Wollstonecraft's *Vindication of the Rights of Woman*, 1792, is perhaps the most well-known eighteenth-century text advocating for a change in the female role. The public/private sphere debate in England had been intensified by the French Revolution of 1789. Suddenly, French women had the right to exercise their power in public, breaking away from the confines of the salon. Writers such as Wollstonecraft were actually in

France during the tumults and could not help but be affected. Her writing has led to her being dubbed the mother of feminism as well as a promoter of modest education reform for women. It must be said, however, that as a feminist, she did not sharply incline in favour of women's emancipation, being rather prudish and moderate in her points of view regarding the differences between men's and women's roles, by today's standards.

Wollstonecraft's main argument concerned women's rights to education and independence. She agreed with the arguments that men had greater corporal strength than women but observed that commonly the female found herself inferior to the male in many realms that had nothing to do with strength. Wollstonecraft rejected the ideas that women are naturally less rational than men by exposing the social prejudices and historical conditions that stunted the growth of reason in women. She called for a 'revolution in female manners' a revolution that would provide the educational, economic and political means to allow women to create their own complex identities (Falco, 1996: 63). As an avid promoter of a change in the type of education offered to women, (for example, she advocated co-education), she is a precursor of later Victorian thinkers such as John Stuart Mill, who advocated a similar upgrading in the quality of female education in order to bring about gender equality.

The philosopher John Stuart Mill fought for female emancipation in the nineteenth century. He was a brilliant thinker who convinced many Victorians of the desirability of better women's rights, including; the right to employment in the public sphere; access to higher education; the right to vote and so on. Mills' opinion is that we cannot know things cannot work unless we examine them.

Mill's wife Harriet also spoke out. She interpreted women's subordination as a male strategy to achieve pleasure and power. Traditionally regarded aspects of femininity such as abnegation of self, patience, resignation and submission to power are not inherent qualities of women, she claimed. She stated that; 'men and women should be treated equally if women are given the same educational, occupational, and political opportunities as men, if women are given all the same rights as men had 'they will realize their true potential and no longer be subordinate to men' (McLaren, 2002: 6).

Taylor denied the right of any part of humanity to decide on the proper sphere for another. She interpreted women's subordination as a male strategy for the achievement of pleasure and power, this, and not inherent female qualities had produced ideals of womanliness such as the abovementioned abnegation of self, patience, resignation, and submission to power. She also argued that wifehood and motherhood should not be seen as the only natural female functions:

It is neither necessary nor just to make imperative on women that they shall be either mother or nothing [...] there is no inherent reason or necessity that all women should voluntarily choose to devote their lives to one animal function and its consequences. Numbers of women are wives and mothers only because there is no other career open to them (Foster, 1985: 9).

Mrs Hugo Reid asked a pertinent rhetorical question, ironically pointing to the conflicts between ideology and reality:

If all woman's duties are to be considered as so strictly domestic, and if God and nature have really so circumscribed her sphere of action—what are we to think of the dreadful depravity of thousands upon thousands of unprotected females, who actually prefer leaving their only proper sphere, and working for their own subsistence - to starvation? (Foster, 1985: 9).

Reid saw the doctrine of woman's separate/domestic sphere as a coercive social construct which needed to be entirely set aside. In 1840, Mrs Reid and her husband attended an anti-slavery convention and within three years she had written a passionate tract for woman's rights, *A Plea for women in answer to Sarah Lewis's women's mission* (1839) as an act of solidarity in favour of women's rights.

Perhaps the most famous female writer to defend women's rights was Virginia Woolf, who thought it was part of the occupation of women writers to 'kill' Patmore's angel (Goldman, 2006: 116). In 1931, Woolf wrote that the authoritarian and influential role model of women represented by 'the Angel in

the House' was still alive. Thus, she claimed that killing the Angel in the House was part of a woman's opposition to the idea of men's' power over women. Akin to this, Woolf stated the woman writer must act courageously to prevent this misconception. Further, she tried to awaken women from male oppression affirming that women also have the ability to work and get paid in order to live independently without relying on men.

Freedom is only a beginning; the room is your own, but it is still bare. It has to be furnished; it has to be decorated; it has to be shared.

How are you going to furnish it; how are you going to decorate it? With whom are you going to share it, upon what terms? These, I think are questions of utmost importance and interest. For the first time in history you are able to ask them; for the first time you are able to decide for yourselves what the answer should be (*apud* Goldman, 2006: 116).

## 1.2 Love

According to the Bible, original love first derives from Adam and Eve. Eve was made from a part of Adam: 'so God causes the man to sleep and creates a woman from a part of his body' (Genesis 2, 2: 22). This sundering, a creation of two from one, predicates reunification in marriage, and for this reason the spousal relationship was not just opportunistic, nor bestowed by any culture, but it was instituted by God and according to Genesis has three basic aspects; the man leaves his parents and, in a public act, promises himself to his wife; the man and woman are joined together by taking responsibility for each other's welfare and by loving the spouse above all others; and the two are united into one in the intimacy and commitment of a sexual union that is reserved for marriage (2, 2: 24).

The nature of love has long been discussed – poems written, songs sung, treatise produced and speculations made: for example Elizabethans believed that love entered the lover's body through the eyes via invisible steam, and who has not read the sonnets of Shakespeare? What follows is a sample of the nineteenth-century opinions on this matter.

According to Schultze, there are multiple stages to falling in love:

The couple looks into each other's eyes and becomes aware of a beginning love. Then follows love glooms, which is marked by sighing, and courting with a declaration of love. The last phase is ritual engagement, a remedy for the couple's reciprocal love and their future (Schultze, 2010: 3).

William Shakespeare's play *A Midsummer Night's Dream*, written in 1595 or 1596 pays special attention to couples. He reflects on their relationships and the language the lovers use is in the foreground. It becomes clear that the naming of steam, organs and the humours is very important in describing love in Elizabethan times.

Halifax, Milner and Sowerby, 1859, in *'Etiquette of Love, Courtship and Marriage*, define love as an:

[...] affection of the mind, compounded of desire, esteem and benevolence, which forms the bonds of loyalty and unity between the different sexes, and makes them feel in the society of each other, a species of pleasure which they meet nowhere else; which often makes the date of separation from each other a source of pain and regret (Halifax, *et al*, 1859: 1).

This definition approximates a definition of soul mate for when one party is away they pay respect to each other as they promised on marriage, their love being considered sacred for both parties wherever they go.

Halifax *et al* illustrate five common aspects of love with the following short poem;

#### FALLING IN LOVE

Is it weakness thus to dwell,  
on passion that I dare not tell?  
Such weakness I would ever prove,--  
'Tis painful, though 'tis sweet to love.

#### THE PURITY AND STRENGTH OF FIRST AFFECTIONS

Love is a pure, a lambent flame,  
That heaven itself supplies,



And friendship's but an empty name.  
Where love its power denies.

First affections are said to be the purest and strongest, and if this affection meets with corresponding feelings and impressions, they are not easily effaced from the mind.

#### DISAPPOINTMENT FEEDS THE FIRE OF LOVE

Love, still unchangeable, unchanged  
By time's relentless hand,  
And e'en to any distance range,  
Constancy it stands.

Over time love remains the same, constant, even if there is separation (distance)

#### WOMAN'S LOVE DISINTERESTED

Oh! Woman's love is a holy thing,  
And when 'tis kindled ne'er can die,  
It lives—though treachery and slight  
To quench the constant flame my try.

A woman's love never ends, even if betrayed by 'treachery and slight'. Here it is again: 'she will continue privations of every character to serve the man she loves. Such the nature of women loves. It is perfect that love is impersonal but it is faithful and sincere that man is truly blessed who lives in the embraces of such faithful and disinterested love'.

#### MAN LOVES OFTEN SELFISH

O, how this spring of love resembleth  
The uncertain glory of an April day  
Which now shews all the beauty of the sun,  
Which by and by a cloud takes all away

Seasonal love was also a deciding factor for people falling in love, but love in this sense could end up as the season itself. Usually people who are categorized in these seasonal loves are the 'classes of the stuttering'.

How to choose your company

A love first derived from common friends later on becomes a close friend. This stage can confirm she or he will be faithful followers. In practice, few people give themselves any effort to think about this matter and yet many may see all disasters of their lives from having neglected it.

Halifax *et al* were aware of the extreme difficulty of defining what is, and what is not, a good marriage partner. According to them, if friendship precedes love all the better, although many disregard this to their cost. They disagree with 'selecting company' by social class preferring the feeling that motivates compassion to selecting a particular portion of the community thereby excluding others. However, they advocated shunning the vicious, the low and vulgar and the unprincipled as a pestilence.

*Reynolds's Miscellany* emphasises the popular notion concerning men, women and love in 1863, stating that; 'There is no doubt that love is the top leading activity of a woman's life. Man Has other things which divide his attention; the cares and anxieties of the world-the struggle for fame, or wealth, or power-press more closely upon him; but love is to a woman the grand reality' (*apud* Phegley, 2012: 2). One can but wonder at the sex of the writer, and echoes of Coventry Patmore are more than evident.

John Maynard reminds women the virtues of love are not just a way for women to secure happiness and goodwill. In *Matrimony: Or, what married life is, and how to make the best of it*, 1866, Maynard says it is believed that love will be the strongest basis for marriage. It must be entered upon in a prudent, honourable and Christian manner. However, marriage without love was potentially disastrous for in such cases the beauty of marriage is destroyed; 'of life embittered the pathway across time strewn with thorns, and overcast with clouds of gloom' (Maynard, 1866: 37). He urged women to think of two fundamental aspects of marriage, the material aspect and spiritual love, professing that gold is a paltry thing compared to love, that yielding to the unreasonable wishes of parents and friends will be a life-long source of misery: 'Rather refuse the offers of a hundred men than marry one you do not, cannot love' (*Ibid*, 1866: 38). However, he stressed love was based on the necessity to

show respect and sexual morality because pure and intense love will cement souls together in close union;

We say love will, and only love can, accomplish this delightful task. But we must be understood in what we mean by love. We do not simply mean the love of benevolence or good-will; for this may be exercised towards persons of whose conduct we highly disapproved, in whose company we feel very unpleasant; but we mean the love of complacency or approbation (Maynard, 1864: 36).

Yet, love was considered just as beneficial for men as for women. Samuel Stone Hall's *Bliss of marriage, or how to get a Rich wife*, 1858, lectures his gold digging target audience about the benefits of love. According to him, love is the 'softener and polisher of the human mind; it transforms barbarians into men; its pleasure is refined and delicate; and even its pain and anxieties have something in them soothing and pleasuring' (Hall, 1858: 26).

Despite the ground-breaking collapse of barriers engendered by the suffragettes and by the New Woman, at the end of the century Annie Swan still held love at any age in high esteem in *Courtship and Marriage*, 1894, saying that love, courtship and marriage are words with which to conjure. A love-story has the power to charm even sensible men and women of middle age, for whom love is incorrectly supposedly over.



## CHAPTER 2

### VICTORIAN COURTSHIP AND MARRIAGE RITUALS



Fig. 3 Queen Victoria's wedding ceremony<sup>4</sup>

A wedding-day! It is a day of rejoicing as it should be; but it is no less a day of lifelong merriment (Charles Titcomb, 1857).<sup>5</sup>

As Sherrie Wilkolaski (2007) states:

Marriage is like flying a plane. You would never take the controls and fly a plane without flight school and training. The plane does not just take care of itself. It is inevitable that as a pilot, you will encounter turbulence, rainy days, and stormy weather, but this does not make you a bad pilot. How you handle yourself in these trying situations will determine your career as a whole. It only makes sense to be prepared with skills and education so that when you experience turbulence in

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<sup>4</sup> Hayter, 1840.

<sup>5</sup> *In a letter to Ellen, September 18, 1857, apud* Blayney, 1992: 89.

your relationship you are prepared as a couple to weather the storm (Wilkolaski, 2007: 21).<sup>6</sup>

According to Roberta and Jard DeVille in their book *Lovers for Life: The Key to a Loving and Lasting Marriage* (1980) being 'lovers for life' is based on the principle of honest partnership and mutual acceptance, living with spiritual values, positive attitudes, high expectations, mature beliefs, and responsible choices. Victorians had to pass through an elaborate set of courtship rituals before they could test this hypothesis, however, and reaching the altar was not easy. The Victorian marriage ceremony itself was also replete with obligatory customs that had to be observed. Fig. 3 shows the grand marriage ceremony of Queen Victoria to her first cousin Prince Albert of Saxe-Coburg and Gotha, later The Prince Consort, on 10 February 1840. – Ceremonial finery in evidence.

Courtship was deemed to be an experimental period of acquaintance between the man and woman to examine if they were suitable partners for a life time commitment. Phegley outlines that a woman was expected to scrutinize her suitor for signs of disrespectful behaviour toward her or her family, a lack of religious feeling, or any inclination toward 'expensive pleasures,' 'low and vulgar amusements' or foppish, or very slovenly' appearance (2012: 36). After examining carefully they were expected to be certain of their choice before commencing contact with the family and seeking courtship. A man was expected to determine if his potential bride was attentive to her household duties, affectionate to her parents, and pleasant to be around. If she exhibited affection, showy dress, or an eagerness for flattery or flirtation, a man was to consider himself forewarned.

According to Stone (1992) there were three modes of courtship in early modern England, each of which was characteristic of, but not peculiar to, one of the three groupings into which contemporaries tended to divide the population. He states that the quality of courtship before the middle of the seventeenth century was usually, but by no means always, a stilted and formal affair of short duration and limited significance. Furthermore, Stone explains the procedure

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<sup>6</sup> In this sense, competence acquired from marriage training at the church will help to save the married couples' future life.

took two forms of searching for the prospective wife based on the family background and property. The first was selection of a possible spouse by the parents or friends, after careful examination of his/her economic prospects. If the results were satisfactory, a preliminary agreement was reached with the other set of parents and friends about the terms of the financial settlement. The couple were then brought together, in order to discover whether or not they found each other personally obnoxious. If no strong feelings were aroused, the couple normally consented, the marriage settlement was signed, and the arrangements for a formal church wedding went forward. The second form was when a man might meet or see a woman in a public place - in church, or at a ball or party. If he were attracted to her he would approach her parents and friends, and formally ask their permission to court her. If investigation proved that he was financially and personally suitable, permission was granted and courting went forward, with all the usual rituals of visits, conversations, gifts and expression of love and devotion (Stone, 1992: 7).

According to Karen Lystra courtship was a time of intense physical and verbal expression as men and women crossed sex-role boundaries by the bridge of romantic love and came to understand each other's perspectives on the world. Nineteenth-century women were considerably more vulnerable than men in the economic sphere. Both sexes were conscious of the burdens and responsibilities of marriage men assuming economic responsibility for women, and women feeling uneasy over their economy dependency (Lystra, 1989: 9).

## **2.1 Courtship Rituals**

### **2.1.1 Love Letters**

Letter writing was just one part of the courtship ritual. When deciding on the wedding date, Victoria responded thus to Albert's suggestion:

Dear Albert:--

Your affectionate letter touched me deeply. You asked me a very momentous question, to name the day of our marriage. Dear Albert, it shall be as you wish; your arguments are so convincing I can only feel

that you are right, and say yes to all you propose. My mother also thinks that the 28th of December would not be too soon, and that I can make all my preparations within that time; therefore let it be the 28th. The period of our engagement seems very brief, indeed, but I have such perfect trust in you, and we know each other so thoroughly, that I need not postpone our marriage with the idea of seeing more of you, and can look forward to our passing a very happy life together.

Goodbye, dearest Albert; fondest love

From your own<sup>7</sup>

Queen Victoria's response to the solicitation for the wedding preparation from Prince Albert indicates 'The Pen is the Tongue of the Absent.' In a literal sense, love letters can replace the absence of the loved one as it was rare for a man and woman to be in close proximity in the Victorian era. Courting rituals existed to protect the woman's dignity and the love letter was thus a pivotal means of communication frequently used by courting couples and lovers.

The love letter was considered sacred, and they were carefully guarded compared to family letters, business letter, letters of inquiry and so on that might be shared among a circle of relatives and could be passed from hand to hand. However, today's highly literate reader may not experience the easy flow of conversation, the spontaneity of dialogue, or the spark of intimacy in their own correspondence. Nineteenth-century lovers felt compelled to make love letters approximate their intimate face to face exchanges as they were a substitution for verbal intimacy.

Characteristically, love letters involved privacy. As a romantic relationship deepened middle and upper class correspondents regarded certain letters as actual visits of their loved one. Insisting on seclusion, they often read and wrote love letters as if they were in a conversation that might be overheard. When alone, they kissed their love letters, carried them to bed, and even spoke to them. Victorians displayed an intimacy that affords historian a remarkable opportunity to cross once forbidden boundaries (Lystra, 1989).

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<sup>7</sup> Alice Bayney, 1992: 41.



In *Dictionary of Love*, Lystra states:

Love Letters, *billets-doux*, are among the sweetest things which the whole career allows. By letters a lover can say a thousand extravagant things which he would blush to utter in presence of his fair charmer. He heaps up mountains of epithets and hyperboles, expressing the inexpressible highest, and depths, and breadths of his affection. Here he may at his pleasure revel and rave in eloquent nonsense about minutes lengthening into hours, hours into days, days into weeks, weeks into months, months into years, years into interminable ages. He inflates his heart into a balloon, which goes up and down through creation, with motions as light and easy as a thistle-blow drifts through the undulations of the atmosphere [...] He goes into impalpable moonshine (1989: 12).

Victorian love letters occasionally revelled in eloquent nonsense but the emotions of love were more substantial than moonshine and writing love letters was a more serious introspection than light-hearted frivolity. With almost no other means of voicing themselves across even the smallest distance, nineteenth-century lovers bridged the silences with ink and pencil.

### 2.1.2 Chaperonage

A chaperone constituted a necessity for any well-respecting young lady. She accompanied the young lady at every meeting, thereby safeguarding her physical wellbeing as well as her social reputation. Jane Austen had Mrs. Bennet as a staunch escort to her daughters in *Pride and Prejudice*, playing a pivotal role in introducing her daughters to an eligible young man, necessarily wealthy, with an eye on dating and subsequent marriage. A chaperon was considered essential in those days to check by their very presence unseemly behaviour at social functions. A chaperon is to certify that the lady's bloom is unimpaired, and to compel others to respect it. 'No air of cheapness, no breath of slanders, no undue familiarity, can touch the girl who is known to be always protected as a thing too precious for the hazard of chance' (Cole, 1899 *apud* Blayney, 1992: 12).

### 2.1.3 Balls

According to Blayney, 'balls are the paradise of daughters, the purgatory of chaperones, and pandemonium of paterfamilias. [...] the advantage of the ball is it brings young people together for a sensible and innocent recreation (*ibid*: 14). To some extent, balls were considered among the most important amorous events. They were not acceptable venues in which to meet members of the opposite sex to whom one had not yet been formally introduced, however. Attendees were expected to mingle and dance with many partners, which ensured lively engagement with a new acquaintance as well as old ones. As Lounger poetically intones:

The ball is the paradise of youth and love [...] the ball-room becomes an enchanted world of light and music and perfume where sorrow is never seen, and past and future are forgotten in the innocent intoxication of the present. To the young ear, what is so delightful as merry music? To the youthful eye, what so attractive as the spectacle of fair forms gracefully revolving in the soft, sweet mazes of the mystic dance? And if we know that 'at the ball' we shall meet that 'other half' of one's self-Romeo or Juliet, as the case may be; but Romeo without his melancholy, and Juliet without her tragedy - can it be wondered at that it draws us thither with an irresistible attraction? (*apud* Phegley, 2012: 49).

In this extract Lounger emphasized the importance of the ball-room as a paradise for the young men and women to meet and fall in love. He described the ball-room as the luxury place of heaven when the youth can meet one another for amusement to forget the melancholy and tragedy in the past by the presence of the entertainment of wine, music and perfume. In addition, Lounger suggests that parents do not restrict their children's participation in such romantic events:

Balls are not wholly free from alloy: they are not without the fell looks of jealousy, and the furtive glances of suspicion, and the hiss of wounded vanity; but what are these compared with the full flood of happiness

which they pour into tender bosom and manly hearts? I confess I never could nor can I know, detect their impropriety. Nor know I any pleasanter sight than that of a well-lighted room, echoing with merry music, in which a number of young men and maidens, the later attired in bright and semi-diaphanous robes, their eyes shining with pleasure, and their rosy lips curved with happy smiles, are 'threading the mazes' of the old-established quadrille, or circling round in the fascinating waltz. If you can dance no longer, my friend look on, and be happy in the happiness of others (*ibid*: 50).

Habitually, upper class Victorians were not allowed to know each other intimately at the first acquaintance. Access to the rank of the upper class was controlled through marriage. Harrison (2013) notes that it was obviously desirable that young people should meet only prospective partners and the season provided an elaborate 'coming out' ritual for the girls - presentation at court, chaperonage, balls and dances organized by the matron and dowagers of society. Note the following personal testimony from Lady Warwick:

I 'came out' in the season of 1870, and my engagement to Lord Brooke was announced in June of that year. I was that rare thing-as rare as any *oiseau bleu* -a great heiress, for America may scarcely be said as yet to have assaulted the fatnesses of English society. I was a 'beauty', and only those who were alive then know the magic that world held for the period. I was physically fit, eighteen, unspoilt, and I adored dancing. My stepfather and mother rented 7 Carlton Gardens for the year; the house belonged to the then Earl of Warwick, father of the man I was destined to marry. I was married from that house. We lived there afterwards, and one of my children was born there [...] many balls were given specially for me. In those days men gave balls; the balls of the blues and the Life Guards were noted for their excellent dancing, and the Bachelors' Ball of that season was one of the great successes. I was feted, feasted, courted and adored, in continual round of gaiety, and I lived in for the moment. Nor was I a mere fool. My reason and my mentors whispered to me sometimes that my money and estates were perhaps more

important than my person to some of my thronging admirers (Harrison, 2013: 44).

Lady Warwick provides evidence of herself as an eighteen-year-old virgin with no intimate friends. She certifies that the significance of her coming out enabled her to meet Lord Brook in 1870 and marriage followed.

Balls and dancing were important moments for young couples, staring into each other's eyes on the path toward paradise. Kantor in her book *Jane Austen Guide to Happily Ever After* (2012) outlines that the actual entertainment men and women enjoyed at these balls was a kind of trial marriage. The dancing was arranged precisely to bring the men and women together to try each other without undermining a woman's independence and freedom of choice. Following is an extract of Henry Tilney's justification of how dancing is like marriage:

I consider a country-dance as an emblem of marriage. Fidelity and complaisance are the principal duties of both...you will allow, that in both the man has the advantage of choice, the woman only the power of refusal; that in both, it is an engagement between man and woman formed for the advantage of each; and that once entered into they belong exclusively to each other till the moment of its dissolution; that it is their duty, each to endeavour to give the other no cause for wishing that he or she had bestowed themselves elsewhere, and their best interest to keep their imagination from wondering toward perfections of their neighbors, or fancying that they should have been better off with anyone else (*apud* Kantor, 2012: 239).

Tilney states the man has the right to choose and the woman has the right to oppose.

#### **2.1.4 Ball-Room Etiquette**

According to Pettyjohn, etiquette is what creates the common perception of ballroom dance as a conservative activity. The etiquette that is emphasized is conservative especially in terms of gender because it contributes to the

gendering nature of ballroom dance as an activity. The rules of etiquette are in line with traditional roles, including placing the man in control through asking the woman to dance, escorting her to the floor, and leading the dance (Pettyjohn, 2007: 41).

A woman must be careful when rejecting a man's' request when he asked for a dance. In the ballroom there were fewer things so likely to draw upon her the indignation of the rejected applicant for unless a good reason was given he would be apt to take it as evidence of a personal dislike. There was a great deal of politeness and falsehood used on these occasions. 'I am sorry that I am engaged.' 'I have a slight headache and do not intend to dance'; but a lady should never have been guilty even of a conventional lie, and if she replied very politely, asking to be excused as she did not wish to dance ('with you' being probably her mental reservation), a man ought to have been satisfied. He should never have pressed her to dance after one refusal. If you know a young lady slightly, it is sufficient to say to her 'may I have the pleasure of dancing this waltz, with you? Or if intimately 'will you dance, Miss A? The young lady who has refused one gentlemen has no right to accept another for that dance; and young ladies who do not wish to be annoyed must take care not to accept two gentlemen for the same dance<sup>8</sup>

This extract shows how politeness was important in the dance ritual for saving face was all. The proverbial headache was probably evoked many a time in order to avoid an undesirable partner.

### **2.1.5 Love Telegraph**

In making an acquaintance symbols are necessary for both sexes to be able to transmit the desired message. If a man were looking for a wife, he would use a ring on the first finger of the left hand; if he be betrothed he would use it on the second finger; if wedded, on third; and on the fourth if he never intended to be married. In contrast, when a woman is not betrothed she would wear a hoop or

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<sup>8</sup> Balls and Soirées <<http://www.angelpig.net/victorian/balls.html>> accessed on: 17/7/13.

diamond on her first finger; if betrothed, on the second; if married on the third; and on the fourth if she intended to die unmarried.

The norms of a lady accepting or refusing a gift were a common part of daily life. If a gentlemen gave a flower or trinket to a woman with the left hand, this was an overture of regard; she had to receive it with the left hand to show approval of his esteem, but with the right hand if refusal of his attention were intended. Those simple mores served as the rules for expressing passion/love, and by this telegraph even a fearful man could communicate with little difficulty his feelings of regard for a woman (Evelyn, 1967: 39).

### **2.1.6 Proposal**

Proposals were very valuable statements of intention that had to be carefully thought out and effectively communicated to achieve the intended objective. It is still relevant for a man to make an unforgettable proposal if he wants to marry his prospective bride. This is important now and was extremely important in the Victorian era. During this period, a man made his proposal to the lady of interest often via the aforementioned love letters. This he did after a meticulous process especially among the upper and middle classes. He had previously had to find a lady acceptable to him and sought permission to seek her hand in marriage from both his and her parents. This was done only when he was sure enough that his proposal was going to be acceptable to the lady.

The whole proposal process came as a result of a process that we will have to look at. During the engagement period, the man had to control his behaviour around his betrothed whenever he was with her. Too much flirtation could be mistaken as presumptuous. It was a privilege that his lady had accepted his proposal, so he was to be careful, grateful and respectful. The bride could call off the engagement if the groom was too forward in his approach in that period of time before their marriage (Lessel, 1995: 39).

After the prospective wife had accepted the man's proposal, he was required by the Victorian standards to spend most of his free time with her. The engagement period was not to be too long. It was required to be timely and

appropriate not to drag the lady through a long engagement period whereby she would have missed the chance to be with a more deserving man or suitor (*ibid*: 109-110).

### 2.1.7 Dowry

A dowry is a sum of money, real estate or goods given by the bride's family as a gesture of sincerity to the groom. Depending on its constitution, it could improve or worsen the eligibility of women. The ancient Custom of dowry originated as a form of protection to the women. The initial purpose of dowry was to help the husband feed and protect his family and to give the wife and children some support in the event of this untimely death. In some parts of Europe land dowries were common, and in the absence of sons the land was given to the son-in-law on condition that he takes the wife's surname to continue the family name. In Victoria England, dowries were seen among the upper class as an early payment of the daughter's inheritance. If given at the time of marriage the girl could not claim another share of the inheritance at her parent's death (Flawless Will).<sup>9</sup> Nowadays, in England, the engagement ring is a visible indicator of the compromise between the two parties, a formal dowry having fallen into disuse many years ago.

The giving of a dowry, prevalent in many countries today, perpetuates inequality and so in order to attain equality in marriage the institution of *dowry* must disappear, as it has in England.

## 2.2 Marriage Rituals

Marriage means the beginning of a new life when a man and a woman leave their families of origin to form a new household. Gillis in *For Better or for Worse: British marriages, 1600 to the Present* (1985) states that the big wedding traditions remained dominant throughout the sixteenth and seventeenth centuries. For a majority, a wedding was a collective event, necessarily

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<sup>9</sup> From *Dowry: A misconception of inheritance*. <http://flawlesswill.com/2013/01/29/dowry-a-misconception-of-inheritance/> accessed on : 6/6/13

involving family, kin, peers and neighbours. The wedding not only served a broader set of purposes but also established the couple's relationship in the world through a series of highly ritualized and dramatic events that began with the fetching of the bride from her home and ended with the formal inauguration of a new household. Because family and household were so much more than private relationships and the newly created husband and wife so much more than just a couple, the wedding was necessarily a public event, full of meaning and importance to the entire community.

For better or for worse marriage was a transfer of control from father to husband and an uncertain leap of faith. The Victorian marriage rituals were highly anticipated and the primary aim of a woman's life. The rituals involve both bride and groom's family members in the ceremony, the event being meaningful to them too.

The typical wedding involved big, raucous parties with loud music and dancing. Lawrence Stone points out that more people and institutions had a vested interest in the process of marriage than merely the bride and groom, their rivals and their competitors. There were also influential kin, maters, or patrons—who often assumed the right of control or veto and were in a position to enforce their will by the granting or withholding of favours, be it money, house, property, or good will. Lower down the social scale, there were neighbours, who had to be persuaded to accept the couple into their midst as a morally bonded domestic unit (Perkin, 2012: 110).

Fidelity to the marriage vow is a duty so sacred that the least suspicion cast on it will throw blight over the couple's happiness. By fidelity, we mean not only the avoidance of gross and open outrage of the conjugal covenant, but flirtations, and all acts which give any occasion for jealousy (Evelyn, 1967: 54). According to Donald Downing, to keep a marriage safe, sanctified and holy all of the marriage vows must be expressed and kept alive on a regular basis. Many say promises and vows at the altar, but if they are not rooted and grounded from the heart and the vows kept alive, the husband and the wife will eventually face each other in a divorce court. Marriage from the heart always cost a lot and comes with a high price tag that only true love can pay (Downing, 2010: 114).



### **2.2.1 Wedding preparation**

The establishment of the wedding date will determine where the couples plan to hold the ceremony, and receptions are important to decide the location before an official date is set. The bride's parents usually make the first move to invite the groom's family to dinner to discuss the ceremony. Setting the budget is very important for running the party. Traditionally, both parties from the bride's and groom's family will contribute to the cost of the wedding, so this should be discussed with all parties involved. In order to pay all the costs it was necessary to sit down with everyone involved to determine who would contribute to what and how much (Wilkolaski, 2007: 21).

### **2.2.2 Wedding invitations**

The *Bazar Book of Decorum* recalls that preparation of wedding cards was very important and approximately two weeks before the day of the ceremony cards were distributed. There were separate cards from the bride and bridegroom, two cards of invitation. On one there was merely the name and situation of the church, with the date and time of the ceremony, and on the other names of the parents, thus: 'Mr. and Mrs. John Smith,' and an invitation to the house conveyed by the words 'at home' with the address of the paternal mansion, and the date and hour of the reception. All these cards were put into one envelope and sent to the relatives and intimate friends of both parties (Jones 1872, *apud* Blayney, 1992: 49).

Wedding guests of both parties who should be asked to the wedding were the father and the mother of the groom, the brothers and sisters (their wives and husbands also if they were married), and indeed the immediate relations and favoured friends of both parties. Old family friends on the bride's side should also receive invitations.

### **2.2.3 The ceremonial procession**

The duty of the maid-or matron-of-honour is to stand nearest the bride during the ceremony. She holds the bride's bouquet or prayer book, also her glove, while the ring is being given. It is her responsibility to turn back the veil when the couple has been pronounced man and wife. The maid-of-honor casts the

traditional slipper after the departing wedding carriage. She also takes responsibility, during the absence of the bride, for any little duties in the way of visiting elderly or invalid friends and any kindness the bride may have been unable to express through lack of time (Kistler; *Weddings*, 1905: *apud* Blayney, 1992: 84).

In the nuptial procession, the bride in her white gown was normally preceded by two little girls in white frocks and mobcaps, carrying baskets of blossoms which they scattered on the bride's pathway. The basket was inexpensive and the hats of yellow straw, bent and tied with pale-blue ribbons and slung on the arm. The wedding ring was placed in the heart of a calla lily and was carried in by a tiny ring-bearer. Kistler advises that when children carry the ring it is best to tie it with tiny white ribbon and pin it by a small loop to the cushion or flower 'as little hands grow nervous and may drop it' (*ibid*: 90).

A pretty wedding custom and one nearly always followed was that of grouping the bridesmaids in a semi-circle just beyond that point where the newly wedded couple stood to receive good wishes and congratulations. Every bridesmaid held her bouquet in her gloved hands, and aided in forming a sort of glittering train to the important stars of the occasion (Holt; *Encyclopedia of Etiquette*, 1901: *apud* Blayney, 1992: 101).

#### **2.2.4 Marriage Ring**

Rings are a symbol of marriage in many religions and cultures. One reason for the popularity is that their circular shape symbolizes never-ending love (Randall, 2009: 5). Rings can be heart shaped that shows the importance of knowing the heart of one's intended spouse. As the couple exchange wedding rings, and with much love place rings on each other's right hands, Satan often places rings of doubt, division, and mistrust upon their left hands, to steal, deceive and destroy the relationship (Downing, 2010: 107).

The process of exchanging the ring during the wedding ceremony is as follows: the best man takes the ring and gives it to the bridegroom, and he hands it to the clergyman, who gives it to the bridegroom who then places it on the fourth finger of the bride's left hand. This completes the circle, typical of the ring itself,

of the perpetuity of the compact (Mrs. Burton Kingsland; *Wedding*, 1905 *apud* Blayney, 1992: 90). Fig. 4 shows Queen Victoria's and her betrothed exchanging rings.



Fig. 4 Victoria and Albert's wedding, *The Young Victoria*<sup>10</sup>

The twain are made one as if by the touch of the enchanter's wand, and the command enjoined that they shall go forth as husband and wife, pledge to cherish, love and protect each other, and to multiply and replenish the earth (Reavis, *apud* Blayney, 1992: 89).

### 2.2.5 Wedding Gifts

A popular wedding present for the bride in the Victorian era was 'flatware with mother-of-pearl handles.' Furniture with mother-of-pearl inlay was another favourite as were pill boxes change purses and gaming tokens such as checker pieces (Walker, 2008: 110). These presents would help the bride and groom to furnish their home, mark joyous occasions of their marriage and are lifelong symbols of the givers' affection.

The wedding gifts were of various kinds, and it would have been difficult to choose which one was the best souvenir for the new couple. In opulent families, a silver dinner service and much more silver besides were popular. 'Magnificent ornaments for the chimney-piece, handsome clocks and lamps, fans in large quantities, spoons, forks by the hundred, fine gilt ornaments, furniture, camel's-hair shawls and bracelets were popular. Rare specimens of china, little

<sup>10</sup> Permission to use photograph given on 27.07.13.

paintings and ornaments for the person—all, all are in order’ (Sherwood; *Manners and Social Usages*, 1884 *apud* Blayney, 1992: 52).

### **2.2.6 A formal reception**

During Victorian and Edwardian periods, a reception was given soon after marriage. The bridal pair for the first time ‘received’ their guests as a married couple with a formal party. Wedding feast was thus replaced by ‘reception’. It was the first time they entertained as a married couple (Cox, 2007: 2).

The married couple would stand and wait to receive the congratulations of the officiating minister and, saluting each other, took their places beneath the floral bell or arch, where the friends crowded to receive them.

### **2.2.7 An Evening Feast**

The evening feast was the last segment of the wedding day programme. Dinner, or supper, or a collation could be served. When a dinner was served the regulation order for a formal dinner was observed. For a supper, several small tables were generally used in preference to a single large one, and when the assemblage was large, the guests adjourned to the supper room in successive relays, according to the seating capacity of the room. Hence it was that a buffet repast was usually preferred. Traditionally, before the meal the best man made the first reception toast to the bride and groom any time after the receiving line was over and everyone had been served a glass of champagne or other sparkling drink. The band could get everyone’s attention with a drumroll or fanfare. The groom rose to thank the best man then toasted his bride and both sets of parents. The bride may then have risen to make a toast followed by parents, relatives, members of the wedding party, and friends (*Bride’s Book Etiquette*, 2002: 216). After the meal session there would be dancing. It was proper for the bride to open the first quadrille with the best man, the groom dancing with the first bridesmaid. It was not however, very customary for a bride to dance, or for dancing to occur at an evening wedding (Sherwood; *Manners and Social Usage*, 1884: *apud* Blayney, 1992: 103).

The climax of the reception was the wedding cake. Traditionally, the guests could not leave the party before having the cake. The cake was cut just before

dessert at a luncheon or dinner reception; just after guests had been greeted at a tea or cocktail reception. There was instruction for cutting the cake - normally the groom placed his right hand over the bride's and together they cut into the bottom layer. Traditionally, the bride and groom fed each other a taste of the first slice as a symbol of their willingness to share household (*Bride's Book Etiquette*, 2007: 217).

### 2.2.8 Honeymoon

Honeymooners were the subject not only for jokes but also of popular advice and histories of marriage that make it clear how routine the institution of the honeymoon was becoming for upper-middle-class couples. Victorian sources vary regarding the etymology of the word 'honeymoon.' W.J. Marchant claims that the term 'is said to have derived from the Teutonic custom of drinking a concoction of honey for thirty days, or a moon age, after the wedding feast.' Several Victorian accounts begin with references to Samuel Johnson, who defined the honeymoon as the first month after marriage when there is nothing but tenderness and pleasure or as an early and ephemeral period in marriage (Michie, 2006: 28).

The 1852 *A Complete Guide to Forms of a Wedding* by David Bogue gives this emotional vignette:

The young bride divested of her bridal attire, and quietly costumed for her journey, now bids farewell to her bridesmaids and lady friends. Some natural tears spring to her gentle eyes as she takes a last look at the home she is now leaving. The servants venture to crowd to her with their humble yet heartfelt congratulation; and finally, melting, she falls weeping on her mother's bosom. A short cough is heard, as of someone summoning up resolution. It is her father. He dared not trust his voice; but he holds out his hand, gives her one kiss, and then leads her, half turning back, down the stairs and through the hall, to the door where he delivers her to her husband, who hands her quickly into the carriage, leaps in lightly after her, waves his hand to the party, who appear crowding at the windows, half smiles at the throng about the

door, then gives the word, and they are off, and started on the voyage of life (*ibid*: 29).

### 2.2.9 Superstitions

Wedding superstitions are beliefs that were held and passed down from the olden times. They may have had no sound basis, therefore, and may not have made any sense but few disapproved of them. Some remained throughout the times to be believed as truths. They were mainly in the form of symbols like a black cat or an open umbrella, among many others. Some meant good luck while their absence meant bad luck (Oak, 2011).

These superstitions covered both the pre-wedding, the wedding and the after-wedding parts. Before the wedding, for it was considered unlucky for the groom to meet a nun or a monk on his way to propose. This symbolized barrenness in the marriage but if along the way he met pigeons, wolves or nanny goats, luck and fortune would follow.

The bride was not allowed to wear the full outfit of the wedding before the wedding took place. She could fit parts of it but not the whole. The belief was that if she did so the marriage would not be lucky. She was also not allowed to make her own wedding gown. The groom was not allowed to see her in her wedding dress before the wedding. The bachelor party as well as the bridal shower were ways in which they would be able to raise some of the finances and other things that would help them in their marriage.

The month and day set for the wedding was another important factor to consider. The luckiest Month to marry was July while the unluckiest was May. Wednesday was the best day to marry while it was unlucky to marry on Saturday. Different days had different meanings. Monday, for example, meant wealth while Tuesday meant health in marriage. It all now depended on what the couple wished for in their marriage. The veil that the bride and the bride maids wore was crucial too. The bride was considered vulnerable to evil spirits who were said to be jealous of her happiness and so she had to be covered.

The bride maids were also dressed similarly to the bride to confuse the evil spirits from attacking the bride on her happiest day.

From medieval times, during the wedding ceremony the man would carry his sword on his right side. For this reason, the bride and her family would be positioned on the left side of the church. She would get to the church on the arm of the father and stand on the left side of the groom. The groom and his family would all be on the right side. Kissing was not only affectionate but was how contracts were sealed. The couple would not be considered legally married until they had kissed. The bouquet was thrown and any unmarried woman who got it would be married next. Queen Victoria never threw hers; instead she gave each of her bride maids a flower from the bouquet.

There were several superstitious beliefs connected with after the wedding. It was believed that the first one to sleep after the wedding would die first while the one who would make the first purchase would be the dominant party of the two. Crossing the threshold was also important. If the bride crossed the threshold using her left foot that meant bad luck in the marriage. To prevent this the groom carried her to their house. This was a practice that was the norm in earlier times when grooms kidnapped their wives and took them home. The day the child was born determined their fate on earth. Those who were born on Monday were considered fair of face while those on Tuesday full of grace. Those born Wednesday were full of woe (Medina 2013).





## CHAPTER 3

### VICTORIAN MARRIAGE: DIVORCE, PROPERTY AND CHILD CUSTODY LAWS



Fig. 5 The Right Honourable the Lord Cranworth, The Lord Chancellor

Why is England the only country obliged to confess she cannot contrive to administer justice to women? (Norton, 1855: 28)

[...] simply because our legists and legislators insists [sic] on binding tares with wheat and combining all sorts of contradictions which they never will be able satisfactorily to combine...Nor will ever they succeed in acting on the legal fiction that married women are 'non-existent,' and

man and wife are still 'one,' in cases of alienation, separation, and enmity, when they are about as much 'one' as those ingenious twisted groups of animal death we sometimes see in sculpture; one creature wild to resist, and the other fierce to destroy (Norton, 1855: 28).

As can be seen from Norton's graphic remarks to Queen Victoria above, there was a fundamental flaw in the Victorian marriage laws which, while ensuring that a woman's legal identity was subsumed in that of her husband on marriage (common law doctrine of coverture), arguably irrelevant for happy unions, was profoundly harmful in situations of 'alienation, separation, and enmity'. In effect, husband and wife were regarded as 'one person' – the husband. He had full control of his wife's personal property and any earnings she acquired during the marriage. He had absolute authority over their home and children and could legally use physical force to discipline the family members. If he deserted his wife she could not sue for divorce and had no custody rights to their children. The average woman was helpless to redress the situation.

### **3.1 Marriage as an institution**

Some preliminary remarks on the institution of marriage elucidate exactly why women would consider voluntarily entering into such a disadvantageous situation as the one described by Norton above. Marriage for upper class families of Victorian England was based on power, wealth, status, and convenience. Marriage was a social duty because it obliged the family and helped to widen social contacts. It was important to marry within the same class since social standing was just as necessary as wealth to many families. To marry outside of one's group would endanger the entire family's position in society, so there was a tremendous pressure to ensure that this situation did not occur (Reilly & Wren, 2003: 16).

The definition of marriage in most minds is straightforward. It involves a man and a woman giving a special undertaking to each other to live their lives together. However, the classic Victorian definition, according to Hyde, 1866, is more complex than this:

Marriage has been well said to be something more than a contract, either religious or civil - to be an institution. It creates mutual rights and obligations as all contracts do, but beyond that it confers a status. [...] I conceive that marriage as understood in Christendom may for this purpose be defined as the voluntary union for life of one man one woman to the exclusion of all others (*apud* Blake, 1982: 3).

As aforementioned, the 'mutual rights and obligations' created on marriage were in no way equitable, indeed they were profoundly unjust.

Avery and Stott summarize below Caroline Elizabeth Sarah Norton's understanding of the position of married women under English law vis-à-vis her 1855 pamphlet '*A Letter to the Queen on Lord Chancellor Cranworth's Marriage and Divorce Bill*',

1. A married woman has no legal existence whether or not she is living with her husband;
2. Her property is his property;
3. She cannot make a will, the law gives what she has to her husband despite her wishes or his behavior;
4. She may not keep her earnings;
5. He may sue for restitution of conjugal rights and thus force her, as if a slave to return to his home;
6. She is not allowed to defend herself in divorce;
7. She cannot divorce him since the House of Lords in effect will not grant a divorce to her;
8. She cannot sue for libel;
9. She cannot sign a lease or transact business;
10. She cannot claim support from her husband, his only obligation is to make sure she doesn't land in the parish poorhouse if he has means; she cannot bind her husband to any agreement (Avery & Stott, 2003: 30).

In short, as the husband, he had the right to all that was hers; as the wife she had no right to anything that was his. According to Sir William Blackstone's

Commentaries on the Common Laws of England, husband and wife are one person in law,<sup>11</sup> therefore;

The very being or legal existence of the woman is suspended during the marriage, or at least is incorporated or consolidated into that of the husband. For this reason, a man cannot grant anything to his wife, or enter into covenant with her: for the grant would be to suppose her separate existence; and to covenant with her, would be only to covenant with himself; and therefore it is also generally true that all compacts made between husband wife, when single are voided by the intermarriage. A woman indeed may be an attorney for her husband; for that implies no separation from, but is rather a representation of, her lord. And a husband may also bequeath anything to his wife by will; for that cannot take effect till coverture is determined by his death (Blackstone & Wanostrocht, 1823: 146).

James Clancy, in his 1837 *A Treatise of the Rights, Duties and Liabilities of Husband and Wife: At Law and in equity* reduces the absolutism a little by stating that although married women are incapable of entering into any engagement as a *feme sole*, or of suing or being sued as such, there are exceptions to this rule as circumstances may arise during the marriage, under which she would acquire a separate, and independent character, and become capable of contracting, and of suing and being sued, and subjected to all the responsibilities which would be attached upon her if she were sole (Clancy, 1837: 54).

Clancy highlighted several points which are particularly relevant, such as wives may not litigate even against their husbands. There is, however, only one occasion when she can have this remedy, and that is when he has levied a fine in her name. The wife also of persons banished from the country may sue and be sued as *feme sole*. Lord Coke clarified four examples in which married women were parties to suits without their husbands having been joined, in two

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<sup>11</sup> Feminists would later vehemently protest against this by stating that when married women are regarded as the property of their husbands a quasi-slavery situation exists (slavery was outlawed in the British Empire in 1833).

of these cases the married women were plaintiffs, and in the other two they were defendants.

Furthermore, Clancy outlined the case of the Countess of Portland v. Prodiges where a married woman whose husband was banished by an act of parliament for life, might make a valid will, the court being of the opinion that such a banishment rendered her capable of acting in all things as a *feme sole*, and as if her husband were dead, and that the necessity of the case required she should have such power (Clancy, 1837: 55).

Many viewed the aforementioned laws as indefensible for they gave power to the husband over his wife. Furthermore, they stated that the marriage law was based on the premise that a wife owed obedience to her husband, and when the woman did not want to behave in accordance with her man's will the law would leave her no other option but to do so. Shanley, in *Feminism, Marriage and the Law in Victorian England*, (1944), notes that Victorian feminists began their crusade to change the laws regulating marriage by explicitly and forcefully challenging what they regarded as society's sentimentalization of family life. (7)

Readers of *The Repository* were shocked by the article 'On the Condition of Women in England' by 'Junius Redivivus' (William Bridges Adams). Adams declared that in all ranks of society women were slaves, though in a different fashion: 'The poor man seeks an efficient working slave, the rich person an agreeable and well-taught harem slave. The man of middling circumstances endeavours, if possible, to combine both.' He thought that in the upper classes, marriage was a matter not of love but of bargain and sale, a legally sanctioned species of prostitution. In the middle class females were made to play a double part, housewives on ordinary occasions, and fine ladies when required. Among the poor, the condition of property destroyed any vestiges of refinement, and nothing could be done to help the poor women until their physical circumstances were improved (Perkin, 1989: 212).

Defenders of women's rights opposed Ruskin's idealization of the home as a place of light and love, 'a sacred place, a vestal temple, a temple of the hearth watched over by Household Gods,' (Ruskin, 1871: 92). To the same degree as

they supported John Stuart Mill's rejection of the husband being called the lord of the wife; being literally regarded as her sovereign, inasmuch as the murder of a man by his wife was called treason. In spite of all the expected advance of Christian civilization 'the wife is the actual bond-servant of her husband: no less so, as far as legal obligation goes, than slaves commonly so-called' (Mill, 2008: 30). Mill described the Victorian patriarch who still ruled his family as an absolute monarch, the Victorian law not giving wives protection against the abuse of power by their husbands. Even though there were many happy marriages, the existence of absolute power on one side and legal subjection on the other had insidious effects, according to Mill:

[...] the principle which regulates the existing social relations between the two sexes – the legal subordination of one sex to the other – is wrong in itself and now one of the chief hindrances to human improvement ... it ought to be replaced by a principle of perfect equality, admitting no power of privilege on the one side, nor disability on the other (Mill, 1869: 1).

The marital situation made men arbitrary and wilful, each a mini-tyrant in his own home, and women sycophantic and scheming, seeking equality: 'there can be no respect; where there is no respect; there can be no true partnership' (Pyle, 1995: xxiii). Mill, proposed a quasi-contractual relationship between equals. Only a relation of equals, he insists, can make marriage into a school of moral and civil virtues. A partnership of equals is compatible with the traditional division of labour between husband and wife. Harriet is more radical in this regard, claiming that enforced domesticity is the reason why Victorian women are petty and trivial, incapable of taking an interest in public affairs, and often no better than a drag on the efforts of their husbands.

John Stuart Mill's notion of marriage attracted an overwhelming amount of satire and abuse. Goldwin Smith affirms that he looked attentively to it as the union of two souls (accidentally male and female) in search of philosophical truth. *The Christian Observer* accused Mill of ignoring all together the physical side of human nature and treating men and women as if they were disembodied spirits. Margaret Oliphant agreed and argued that every young bride - even one

schooled in Mill's principles - wanted to serve and minister to her husband. By nature, she insisted, every wife was condemned to periods of dependence on the protection of her husband; any account of marriage which ignored these facts was a futile theory, based only on abstractions. Further, the *Christian Observer* insisted on the evidence for the authority of the Christian Church as explicitly favouring patriarchy in the epistle to the Ephesians: 'wives, submit yourselves unto your husbands as unto the lord. For the husband is the head of the wife, even as Christ is the head of the Church.' Mill affirmed the existence of Saint Paul's Command but denied that this could be taken as an unqualified endorsement of the hierarchic principle.

Stephen plainly abnegated Mill's assumption that equality is the only basis on which marriage can be a school of moral education notion. He stated it was good for children to learn to submit to the superior wisdom of their parents. Thus, he challenged whether it was not equally good for wives to submit to their husbands. Stephen argued authority must be vested in a single head;

All Mill's talk about contracts and negotiations is merely 'visionary'. In cases of disagreement, the wife ought to give way, as the first mate of a ship would give way to the captain. To resent this is the sign of a base and mutinous disposition. Mill will ask, of course, whether the superior (parent, Captain, husband) is required to appreciate, there is no need of command; if no reasons are offered and blind obedience is demanded of the inferior, the moral evils of arbitrary power and subjection are as apparent as before. (Pyle, 1995: xxiv)

Anne Mozley thought that Mill's book would serve a useful purpose, if only negatively, that is by teaching that 'meddling with the marriage laws is dealing with edge tools'. Existing marriage laws, she reminded her readers, served to protect women against male exploitation. (*ibid.* xxv)

Harriet Taylor Mill stated in *The Enfranchisement of Women*, 1852, that 'The real question is, whether it is right and expedient that one half of the human race should pass through life in a state of forced subordination to the other half' to which her husband. Liberal Political theorists from Thomas Hobbes and John Locke in the seventeenth century to Jeremy Bentham and John Stuart Mill in

the nineteenth had contended people were by nature free and equal beings. They could enter into relationships of super-and sub-ordination only by their own consent. Harriet Taylor Mill's radical ideas on marriage in Victorian England consist of an historical perspective on marriage, the lack of conscious choice for young women, and the view of marriage as ownership. She recognized that moral stands might be theoretically correct when supported by those with courage and insight but might be dangerous for those made weak by centuries of oppression. One of the most appalling ideas was 'the governmental regulation of affection.' She saw marriage in her era as laws primarily designed to assure the sexual satisfaction of men. The problem was not with sexuality as such, but with inequality in marriage that resulted in male sexuality expressing itself without regard for female sensibilities or pleasure. Furthermore, she focused on the 'contemptible nature of the males in marriage.' She castigated men because they were so degraded from all that was beautiful as to find 'the greatest pleasure of their existence in the lowest and blindest physical sensuality' (Mill, 1998: 25).

The promoters of the agitation for greater gender equality did not fear or compromise, declaring as one of their six universal principles:

[...] that the laws of property, as affecting married persons, demand a thorough revisal [sic], so that all rights be equal between them; that the wife have, during life, an equal control over the property gained by their mutual toil and sacrifices, and be heir to her husband precisely to that extent that he is heir to her, and entitled at her death to dispose by will of the same share of the joint property as he is (Pyle, 1995: 12).

### **3.2 Married Women and Divorce**

Women often saw marriage as a way to gain independence from their families and to start a new life, even though their husbands were granted all of the power (Soames, 2004: 9). However, once the marriage turned sour it was extremely expensive to divorce, entailing the loss of wealth and property. Since this accumulated from generation to generation and helped to strengthen the



family line, divorce was neither economically nor socially practical. It guaranteed the family losing some of its strength and influence.

In the 1830s, W. J. Fox, a Unitarian minister, suggested liberalisation of the restrictive divorce laws in *The Repository* and elsewhere. He called for the sacramental nature of marriage to be abolished, and civil contract substituted, thereby allowing rational divorce. Ecclesiastical divorce was possible but did not allow re-marriage. Ecclesiastical courts granted two kinds of divorce. Divorce from the bond of wedlock (divorce a *vinculo matrimonii*) was an annulment that allowed remarriage. This option was only available if the marriage was ruled invalid as a result of insufficient age, mental incompetence, sexual impotence, insert or fraud. The more common form of divorce was separation from bed and board (divorce a *mensa at thoro*). This was granted primarily for adultery committed by a wife. To enable remarriage after such as divorce, a man could file a criminal conversation suit against his wife's alleged lover.

A private Act of Parliament separated the parties *ex vinculis matrimonii* (from the chains of marriage) allowing re-marriage, but divorce rarely happened in the common law system. On 13th February 1857, the Lord Chancellor proposed an amendment to the 1857 Divorce and Matrimonial Causes act in England. In the new parliament on 28<sup>th</sup> May 1857, he presented another bill with the same title and the like provisions as those of the preceding February, but omitting the clause as to voluntary separations (Macqueen, 1858: 29). This provision enabled moderately wealthy men to divorce their wives, for a woman could be divorced on the simple grounds of her adultery, (adultery threatened the husband's ability to pass his property to his male heirs). A woman, on the other hand, had to prove adultery aggravated by desertion (for two years), or cruelty, rape, sodomy, incest or bigamy. The husband could claim damages against the adulterous third party but the wife could not. There was no provision for consensual divorce, so (for example) the divorce granted Jude and Sue in Hardy's *Jude the Obscure* would have been invalid since they were not in fact adulterous; and they would have been in breach of the law in allowing it to be

supposed that they were. This was the provision of law that prevailed until 1923.<sup>12</sup>

The 1857 Divorce and Matrimonial Causes Act, along with removing divorce matters from the control of Parliament and the ecclesiastical courts, also secured some property rights for married women (see below). The Act was not intended to change the financial status of married women, only to grant property rights to wives who were separated from their husbands. This is because a woman who had been legally separated from her husband immediately assumed the rights of property enjoyed by a single woman or *feme sole*. These were rights equal to a man, as long as she was no longer with her husband (Stetson, 1982: 70).

### 3.3 Married Women and Property

Miss Clark argues that the decline of customary law in the seventeenth century in the face of the rise of the 'man made' common law 'deprived married women and children of property rights which custom had hitherto secured to them' (*apud* Thompson, 2009: 163). In Anglo Saxon England, women had had rights to property, to a share in the control of domestic affairs and of children, and even in the last resort to divorce or legal separation, departing with the children, and half the marital goods (Stenton *apud* Perkin, 1989: I). In early modern England, property was owned by the upper and middle classes such as; the crown, the aristocracy, the church, and land owners. Property was therefore owned by relatively few people. Ordinary people merely owned small pieces of the remaining third of cultivated land (Erickson, 1995: 17). Women and property were part of the same patriarchal system which was based on primogeniture. In this sense, the material possessions of the father were inherited by the eldest son, and daughters were married off for familial interest. Erickson (1993) notes that in early modern England daughters inherited from their parents with their brothers. Parents normally gave their daughters shares comparable in value

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<sup>12</sup> Until Legal Aid was available after 1949 divorce remained expensive, and the less well-to-do had to make use of the Matrimonial Causes Act of 1878 which allowed a less costly judicial separation but without the right of re-marriage (Craik, 1984: 159-189).

with those of their brothers, although girls usually inherited personal property and boys more often real property (Erickson, 1993: 19).

The valuable property inherited by the sons refers to freehold land, i.e. actual land. Copyhold land would have been in the form of a mansion and its land under the responsibility of a lord at will, and leasehold land, was leased to individuals for life. According to Susan Staves, the personal property inherited by women was more vulnerable to loss in contrast to the more secure land holdings inherited by men. Copyhold and leasehold land were legally secured for the life of the tenant or longer, depending on the agreement. Real property also included clothing, jewellery, household furniture, food, and all moveable goods. However, social customs held that household property and equipment belonged to the women (Staves, 1990: 28-30).

Daughters had the right to real property in conjunction with other daughters in the absence of a will or specification of land distribution but the rules of primogeniture were invoked, giving the oldest son, if any, the rights to all real property. Ericson explains that primogeniture was applied more harshly in England than elsewhere in Europe and was objected to more frequently by younger sons rather than daughters. England's laws of inheritance prevailed until 1925.

As aforementioned, on marriage the husband took control of the earnings from a woman's real possessions such as the property held in the form of freehold land. Under common law, however, he could not cast it away without her permission. Her personal property such as money from incomes or investments, and personal belongings like jewellery passed absolutely into his control, and she could part with them only with his consent. He could, for example, overrule any bequests she made of her personal property. To evade these provisions under the common law, it was necessary to agree a marriage settlement under equity law (Erickson, 1993: 191-196).

Before the Property Act 1882, the husband became liable for his wife's debts and contracts, and for any breaches of the law committed by her before or during their marriage since it was held that she acted only under her husband's

direction (it was this provision that made Dickens' Mr Bumble declare that the law is as an 'ass' in *Oliver Twist*). Married women held the same legal status as criminals, minors and the insane. Post-1882, the possibility of success in the campaign for women's suffrage was greatly improved, since one powerful argument against it - that a married woman was simply an extension of her husband so that married men would in effect have two votes -- was then made less plausible and verily unappealing (Dickens, 1996: 22).

Once a marriage ceremony was performed, the only way women could claim back property was through widowhood. Once widowed, women were entitled to a dower, which was usually equivalent to one third of the husband's estate. The dower was the portion of the deceased husband's estate that his widow inherited for life. However, this inheritance did not represent a return of property that had been brought into the marriage, and dower rights during the eighteenth century were restricted by common law.

Dower rights regarding real property changed over time to reflect economic changes in England. Land was replaced by new commodities like stock and bank annuities as drivers of wealth creation. The Dower Act of 1833 ultimately proved to favour men's property rights because although legal minds felt that they had made changes or corrected errors they still had not given women any social rights. The husbands still had the final say on what the wife and in general the women in society would have or not (Staves, 1990: 52-54).

The English women's rights movement continued to intensify the campaign for married women's property rights. The 1857 Divorce and Matrimonial Causes Act had only protected a small number of women; the small concessions given could not be sufficient to solve the worst of hardship cases that the married women encountered. This act did not affect the women living with their husbands (Stetson, 1982: 72). The Married Women's Property Act of 1870, was proposed by The Married Women Property Committee. (MWPC). Lydia Becker captured the Janus-faced aspect of the legislation in 1870, acknowledging that while with 'regard to the number of women whose position is favourably affected by it, and it is a real and great gain' they could but regret 'that our legislators should have abandoned the vital principle of the original measure,' retaining

instead 'the general rule of confiscation of a wife's property by the simple act of marriage' (Shanley, 199: 104).

The 1870 act, amended in 1874, took the first step towards entitling married women to enjoy legal as well as equitable ownership of property. It allowed women to keep revenues or property earned after marriage. However, this act was criticized as the act was contradictory. It gave women ownership of their earnings and inheritance and personal property as well as small sums of money but the husband remained the owner of all her property acquired before and after marriage to him (Helsingier *et al*, 1983: 21).

A further the 1882 Married Woman's Property Act essentially created 'a separate estate for married women and furthered their economy autonomy by showing them to enter into contracts, join suits, and leave wills regarding this separate property' (Holcombe, 1993 apud Deere and Doss, 2013: 16). This 1882 Act was a most significant change in the legal status of women in the nineteenth century. Victorian feminists viewed this act as one of the best achievements of equal rights in the public realm. The law stopped regarding women as beings defined by their social roles as wives or mothers and treated them as equal citizens with men - a glorious victory for married women who were trying to escape from difficulty;

No question of social or domestic concern can surpass this in importance,...no interest can transcend this in magnitude, and it is of supreme moment to the well-being of society that the most intimate and sacred of human relationships should rest on those broad foundations of equality and justice of which the recognition of the property rights and responsibilities of a married woman be held to be the cornerstone (Married Women's Property Committee, 'Report of the Executive Committee', 1876 in Shanley, 1944: 103).

However, the 1882 act scarcely constituted the total reformation of the law that women's rights defenders had sought, and remnants of early doctrines remained in the law for many years afterwards (see Shanley's *Feminism, Marriage, and the law in Victorian England 1850-1895*).

### 3.4 Married Women and Child Custody

According to Elizabeth Craik, children were referred to as 'little ambassadors of the familiar and the expected'. As one feminist called them late in the century, they were also the property of the husband. An Act of 1839 allowed an innocent wife custody of her children under the age of seven years (raised to sixteen years in 1873). The Infants Custody Act of 1886 made the welfare of the children the determining factor in deciding questions of custody, but even then the father remained during his lifetime the sole legal guardian (Craik, 1984: 159-189).

Children's rights were paid attention to in the second half of the nineteenth century, which marked a significant change in the legal status of child custody, while it also saw a transformation of domestic masculinity and the creation of a new ideal of fatherhood in the contexts of the emerging nuclear family and the idealization of the home. Lawrence Stone (1990) in *Road to Divorce* speaks of a revolution in attitudes towards child custody in cases of separation and divorce based on the first Divorce Act 1857 that the new 'matrimonial causes court' was empowered to allocate custody of children in divorce cases.

One of the main people responsible for these changes was Caroline Norton (see chapter 4). The state of child custody law pre-1839 can best be seen in her pamphlets: *Separation of Mother and Child by the Law of Custody Infants Considered* (1837) and *A Plain Letter to the Lord Chancellor on the Infant Custody Bill* (1839). Both pamphlets contested the situation and urged the Court of Chancery to alter the law that automatically gave the custody rights to the father (Phegley, 2011: 19).

In 1873, an act enabled Chancery to award custody as it saw fit. The same decades that issued these legal changes ironically saw far-reaching reconfigurations of domesticity, the family, and the role of the father. Emphasizing that domesticity was essentially a nineteenth-century invention; John Tosh highlights its significance for the creation of a domestic masculinity stating that;

Never before or since has domesticity been held to be so central to masculinity. For most of the nineteenth century home was widely held to be a man's place, not only in the sense of being his possession or fiefdom, but also as the place where his deepest needs were met. Questions to do with domestic affections and domestic authority permeated the advice books read by men, as they did the novels of Charles Dickens (Tosh, 2007: 23).





## CHAPTER 4

### THE CASE OF CAROLINE NORTON



Fig.6 Caroline Norton<sup>13</sup>

I forget; I might plead yet more humbly; I might drop yet one great step in the social scale, to find a more exact parallel with the legal position of women in this country (Norton, 1854: 16).

The legal system of the Victorian era was based on such erroneous assumptions as 'men are honourable' and 'women are ever cheerful'. According to 'The European Magazine' (vol. 18, 1970, 169), woman was necessary to man's comfort or happiness. The fact that man needed woman in order to be happy implies he should be considered inferior or secondary, but that question is never discussed in Victorian literature. The legal as well as marital issues that

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<sup>13</sup> Caroline Elizabeth Sarah Sheridan Norton (1808 – 1877).

rocked Caroline Elizabeth Sarah Norton's life expose the fallacy of the honourable/cheerful premise, exposing many of the faults which existed in England's nineteenth-century honour-based legal system. Norton's ordeal forced the government to enact divorce and child custody laws so as to better legally protect women during and after marriage. As she wrote in her 1855 pamphlet, *A Letter to the Queen*, 'I have learned the English Law, piecemeal, by suffering under each of its defects of protection' (Norton, 1855: 26). Norton's case for legal reform is uniquely advanced by her passionate representation of her own history.

#### 4.1 The background

Perkin describes Caroline Norton as a 'multi dynamic personality' whose sheer determination and will power enabled her to transit from victim to victor (Perkin, 1989: 26). She had many strings to her bow, being a mother, poet, novelist, political lobbyist and wit, revealing the various dimensions of human life and potential. She was, however, hit by scandals throughout her adult life, gaining a place in the list of 'scandalous women.' Maybe she fought for her own benefit and to compensate for her own sufferings, but be that as it may her illustrious campaigning changed the Victorian laws regarding women as well as rejuvenating their status. According to Atkinson after Norton Britain 'was never the same again' (Atkinson, 2012: 274). As she herself wrote in *English Laws for Women in the Nineteenth Century*, 1854, appealing to the women of England;

I take those words as my text. In consequence of the imperfect state of the law, I have suffered bitterly, and for a number of years: I have lately been Insulted, defrauded, and libelled: and as the law is constituted I find redress impossible. To publish comments on my own case for the sake of obtaining sympathy; to prove merely that my husband has been unjust, and my fate a hard one, would be a very poor and barren ambition. I aspire to a different object. I desire to prove not my suffering or his injustice, but that the present law of England cannot prevent any such suffering, or control any such injustice. [...] Many a woman may live to thank Heaven that I had courage and energy left to attempt the task. And, since no one can foretell the future, even men may pause ere they fling down my pamphlet with masculine scorn; for a day may come, -

however improbable, - to some one of my readers, when he would give his right hand, for the sake of sister, daughter, or friends, that the law were in such a condition as to afford a chance of justice [...] it is simply an appeal for protection (Norton, 1854: 1).

In this case, Norton's displeasure gained much attention from the public because she presented her own case which caused controversial polemic. The point that Norton makes indirectly is that women's legal incapacities are functions of their social position, not natural, biological inferiority. In *Letter to the Queen*, Caroline Norton recalls the laws governing married women so as to call attention to their central contradiction;

The grotesque anomaly [...] ordains that married women shall be 'non-existent' in a country governed by a female sovereign [...] as her husband, he has a right to all that is hers: as *his wife*, she has no right to anything that is his. As her husband, he may divorce her (if truth or false swearing can do it): as his wife the utmost 'divorce' she could obtain, is permission to reside alone, - married to his name. The marriage ceremony is a civil bond for him,- and an indissoluble sacrament for her; and the rights of mutual property which that ceremony is ignorantly supposed to confer, are made absolute for him, and null for her (Poovey, 2009: 64).

Caroline had an illustrious pedigree, being a granddaughter of the Irish playwright Richard Sheridan. Her contributions towards the literature sector mostly reflect the story of her life even though it has been given a different flavour to make it more emotional and to convince the readers. Her first collection of poetry was *The Sorrows of Rosalie: a Tale with Other Poems* which describes the misfortunate life of women deserted by their lovers. She wrote of a nomadic Jew who was destined to live with struggle and misery in a poem called *The Undying One and Other Poems*. To describe the sorrows of a mother who was separated from her child, she wrote *The Dream and Other Poems*. She wrote this after she was forcibly separated from her children (see below). The main subject in this poem was a young girl who dreamed of marriage, but was later warned by her mother that her dream of happiness would not last long as she was to surrender it to her husband. This also

showcases the fate of British women after marriage in eighteenth century. One of the best works of Caroline Norton, *The lady of La Garaye*, which was published in 1862, is based upon the story of a woman who was deserted and left near to death after she met an accident, She is not sure of getting her husband's love in the future. Later she wrote how these experiences strengthened her husband's love, and she survived after dedicating her life to the service of others. The poems could portray the hidden desires of Caroline, what a husband's love should be like and how a model family could be built. In 1851, she published another book named *Stuart of Dulneath* which described the life of women who were forced to marry a violent abusive person and how a loveless life resulted from this. This has a certain similarity with her life since she was also forced to marry George due to financial difficulties and he was extremely violent, making her married life a loveless one. In this novel, the women die. In another novel, *Lost and Saved* (1863), she described a woman who was deserted by her husband and left in a very miserable condition. She tried to sustain herself. It is evident that in most of her writing women's suffering is the subject matter. The main character changes from a mother, to a girl who is to marry, to a wife, but in all her literary writing the suffering, miseries and sorrow through which Victorian women had to go are part of her narration. The following illustrates how women dared to make a decision against the husband's constraint;

I write, and leave my letter as you bid me. I will not come to-morrow, nor any morrow. Not out of 'bitterness or resentment,' - you phrase it, - but I will never come again [...] if my father mercifully shelter me, you will find me with him. If he exiles me as a disgraced creature, you will at least learn what has become of me (Norton, 1863: 232).

Her work showcases intense personal experiences which compare her strenuous, torturous, and slave-like life as a woman, wife, mother and lover. It must have been extremely difficult to put aside her worries and write. Even though she is criticized by some authors such as Hartley Coleridge, in 1840, and R.H Horne in 1844, (they mention that she could be less morbid), at the same time she was supported by many who said it was through her personal

experiences that she reached into the heart of the people.<sup>14</sup> Despite her very sadistic or morose themes, due to the sheer elegance, style, and wit in changing the characters and presentations, her literary skills are generally appreciated and praised.

Returning to Caroline's early life, it has to be said that she was not blessed with good fortune in childhood for when she was just eight years old her father died leaving the family in financial difficulties. At the age of sixteen, she was offered in marriage to George Norton, who was then a Member of Parliament. She was not ready to marry George, but having no option, and supported by her mother, she was duly married at nineteen, in 1827 (Perkins, 1909: 27). Unfortunately, her husband turned out to be an exceedingly bad choice for he was violent and abusive in nature and would blight her later life.

Their marriage was a failure but lasted long enough for them to have three children. There were repeated breakdowns and reunions. The problems had started on a touring holiday when George became ill. Caroline left the tour to look after her husband. From her writings at this time it is clear that her literary career was funding the trip, and she was very frustrated with regard to the marriage. She wrote; "I defy any wife to have shown more unselfish or devoted attention to a husband... I combined... in my own person, by his desire, the functions of sick-nurse, valet, and chambermaid" (Norton, 1838: 34). On a later occasion a violent incident occurred between Caroline and George, when Caroline objected to her husband's smoking and threw out the hookah pipe's mouth piece which they were carrying. George reacted in a very angry and violent way and strangled her to near unconsciousness. In response she jumped from the carriage and sought help from the following carriage which was carrying her relatives.

At last, in 1836 the tumultuous marriage came to an end. She was to further suffer greatly as a divorced woman, not being allowed to meet any of her children. In her book, *English laws for women in the nineteenth century*, 1840, she writes of her misery;

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<sup>14</sup> Hadjiafxendi and Zakreski, 2011: 113

What I suffered on my children's account none will ever know or measure. The heart knoweth its own bitterness," and God knew mine! The days and nights of tears and anguish, that grew into the struggle of years – it is even now a pain to me to look back upon; even now, the hot agony of resentment and grief rises in my mind, when I think of the needless tyranny I endured in this respect. Mr. Norton held my children as hostages; he felt that while he had them, he still had a power over me that nothing could control. Baffled in the matter of the trial and damages, he still had the power to do more than punish - to torture - the wife who had been so anxious to part from him (Murray, 1984: 136-137 *apud* Perkins, 1989: 27).

Caroline was asked to fulfil many of the conditions placed by her husband. Even though he did not sell his children openly, he tried to use them as a bargaining tool so that he would be benefitted monetarily. He tried to clear himself of all legal debts and tried to forcefully capture Caroline's financial assets, which was a complete breach of the law. He manipulated the laws so that he could get Caroline away from his house and at the same time keep her away from the children. Tragedy struck in 1842 when their youngest son William contracted lockjaw after a fall from his horse. Caroline was notified of his illness, but not in time to reach him before he died. Her despair was expressed in the poem, 'The Mother's Last Watch'

All, all is over! See, with painful start  
 She wakens from her trance to feel the whole,  
 And know the pang even from thy course to part  
 Thou vainly guarded treasure of her soul!  
 The hand that, ah! So often hath caress'd  
 Aids now to place thee in thy narrow bed!  
 The last will kiss upon thy cheek is press'd  
 The last fond tear upon thy coffin shed!  
 And all is hush'd: but oft thro' Life's dull track

(When time her present sorrow hath beguiled)

That pale, sweet brow shall dimly bring us back

The mother's last watch o'er her fairy child!

(Norton, 1840: 277).

#### **4.2 The scandal**

The decision to separate was taken by Caroline after ten years of married life. Her husband reacted in a very negative way, taking all the three children from her and taking possession of all the shared property. He also denied Caroline access to the children and filed a case for adultery in a public court. This showed the mental attitude of the nineteenth-century husband who exploited the patriarchal legal system that was designed to maintain and protect the family's stability. The laws which were enacted for the protection of the family were used by George Norton to divide his own family.

George wanted to divorce Caroline on the grounds of adultery. The red letter day which ruined Caroline's image as well as that of her dear friend PM Lord Melbourne, and which threatened to end his government, was in May 1836. George Norton brought a case against Melbourne asking for damages of £10,000, accusing him of having an illicit relationship with his wife. She was just twenty-eight years old at that time in comparison to 58-year-old Melbourne. During the trial, George alleged that his wife had used her charms to get a favour from Melbourne and managed to get him a job as police magistrate, but the court did not find Melbourne guilty of this (Mitchel, 1997: 222). As the wife had no legal identity without the husband, Caroline could neither testify in court nor attend the proceedings. The court eventually cleared Caroline of the allegations brought by her husband for the case was not strong enough since there was almost no evidence to suggest that William Lamb, Lord Melbourne, had had an affair with Caroline Norton.

George's reasons for suing Lord Melbourne are not clear. He may have genuinely felt betrayed by his wife but the real reason may be something else entirely - like acquiring Caroline's belongings/properties. As a wife, according to

British law, she held no legal rights even though she was living separately or living alone or was abused by her husband. She could not sign any contract by herself or on behalf of any institute or any authorized body or go to the appeal court. However, her husband enjoyed these rights along with having an equal share in and possession of all her property and earnings, including earnings from her poetry writing etc.

There was speculation that George was playing cheap politics, and the man behind this case was really his brother, Lord Grantley, who was purportedly avid for power. He was said to have enticed the politically naive George to take the step he did for political reasons, his main aim being to bring down the Wig government of Lord Melbourne. Melbourne had the last laugh, however, for after the case was over, George became the laughing stock of the city and Lord Melbourne, even though his reputation was tarnished, maintained the image of an efficient prime minister.

The only person who seems to have lost everything, despite being cleared by the court, was Caroline. Humiliated many times by George, especially with regard to the custody of her children, she was deserted. Lord Melbourne, who had previously helped her in every aspect, left her and wrote her a letter asking her to return to George, despite knowing the latter's true nature. A letter written by Caroline to Melbourne shows her emotional attachment and how she sought help from a person who seemed to be her last option: 'I wish to see you anywhere – anyhow – perhaps even without being able to speak to you – anything to see you' (Mitchell, 1997: 221). The letters which were written by Lord Melbourne to Caroline in the fateful year of 1836 do not indicate anything which may point a finger at Caroline's character. Rather, they showcase the love and affection Lord Melbourne had for her as a grandfather figure. He wanted to both help her and retract himself from the problematic situation he found himself in so he wrote a letter to Caroline offering financial help and expressing his distress at her forced absence. Below is a short paragraph taken from the letter;

I have never mentioned money to you, and I hardly like to do it now; your feelings have been so galled that they have naturally become



extremely sore and sensitive, and I knew how you might take it. I have had at times a brilliant mind to send you some, but I feared to do so. As I trust we are now upon terms of confidential and affectionate friendship, I venture to say that you have nothing to do but express a wish, and it shall instantly be complied with. I miss you. I miss your society and conversation every day at the hours at which I was accustomed to enjoying them, and when you say that your place can easily be supplied, you indulge in a little vanity and self-conceit. You know well enough that there is nobody who can fill your place (Perkin, 1989: 83).

From the above it can be perceived Melbourne had some genuine affection for Caroline. He may well have enjoyed her companionship due to her writing skills and other artistic attributes rather than her beauty or body. It is speculation, but Lady Eastlake said, 'she is a beautiful and gifted woman; her talents are of the highest order, and she has carefully cultivated them, has read deeply, has a fine memory, and wit only to be found in a Sheridan' (Chedzoy, 1992: 264). Had the relationship been sexual, we could reasonably expect a more provocative text than the above. There is no proof to suggest an adulterous, secret relationship. According to Chedzoy and others, those witnesses who gave their opinions against Caroline were probably either in George's pay or simply fabricated their testimonials.<sup>15</sup> As aforementioned, Caroline was clever, witty and politically savvy. Indeed, Scandalous Caroline may have been coined by the Victorian media in order to increase journal sales.

In reality, Caroline fought for more than just herself. She had a fighting attitude against evil and was determined to improve the lives of the women of England. She associated herself with all the women fighters who fought against injustice done to women, and compared the prevailing situation to the slavery of women.

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<sup>15</sup> Much scandalous testimony was recorded such as one of the household's drunken coach men said that he had seen Caroline sleeping with Lord Melbourne with her dress up till the thighs (Jane, 1975: 270-2).

She compared her work to Harriet Beecher Stowe's. This is revealed from her writing below;

I do not consider this as MY cause: though it is a cause of which (unfortunately for me) I am an illustration. It is the cause of all the women [...] if I were personally set at ease about it tomorrow, that would not alter the law which would not alter the law. The same injustice might happen next day to some woman who could not struggle, or earn, or write; for whom no one would come forward (Norton, 1855: 89).

Caroline advocated that women must enjoy equal legal rights as enjoyed by male counterparts. The legal system must be equal for poor, rich, and master, female and apprentice etc. But these claims were considered to be extreme during that period. She felt that the law had a responsibility to protect the dependent, not only female but also males, from abusive powers. She openly refuted the fact that the law could lend a helping hand if an apprentice at sea were abused but not help those women at home who were abused by their husbands; 'While the laws that women appeal to, are administered by men, we need not fear that their appeals will be too carelessly granted' (Norton, 1855: 37). She is regarded many scholars, as one of the women's rights campaigners, and is regarded by some as the first English woman to raise her voice against the male dominated society. She cannot be labelled as a feminist, however, since she never worked only for women's rights. As Helsinger *et al* point out, generally, the women of that time were silent spectators rather than revolutionaries (1983: 846). Activists had a lot of male opposition and even females could be unsupportive, which is evident from what Caroline writes;

The club-loungers smile in scorn. 'What is this entire disturbance about? Woman's rights and woman's wrongs? - pooh, pooh; nonsense; Bloomerism; Americanism! We can't have that sort of thing in England. Women must submit; those who don't, are bad women — depend upon it: all bad women' [...] Even now, friends say to me: - 'Why write? Why struggle? It is the law! You will do no good.' But if everyone slacked courage with that doubt, nothing would ever be achieved in this world. This much I will do, - woman though I be. I will put on record, - in

French, German, English, and Italian, - what the law for women was in England, in the year of civilization and Christianity 1855, and the 16th year of the reign of a female sovereign! (Norton, 1855: 109).

This adultery scandal undoubtedly ruined Caroline, but she gave British society a tremendous gift and became a source of inspiration for neglected and struggling women.

#### **4.3 The significance**

After the trial ended, Caroline applied for divorce but she was denied on the grounds that she had already expressed forgiveness to her husband and had excused him for his irrational behaviour. This suggests the Victorian law on marriage is more or less for the protection of this institution rather than having any interest in the spouse. However, the treatment which Caroline Norton received also conveys the idea that women at that time were denied the benefits of laws if they were not under the coverture of their husbands. Their marriage had no links with the ideal of Victorian law where women were considered to be cheerful, and husbands to be honourable, as previously mentioned by Caroline Norton herself. In this case, George Norton could not be considered as honourable, and Caroline did not seem to be cheerful. What parliament assumed in that period was that not every family of Britain faced such dramatic events in their marital lives, so these laws must be protected.

When trying to change English marriage and child custody laws, the main challenge which was before Caroline was to make a case so strong that it would force the legal system to accept that married women existed in all types of legal cases. The fact that women's income, rights and properties were all controlled by the husband was challenged. In her political writings, Caroline openly criticized the law on this matter. She declared:

I am not divorced, and I cannot divorce my husband; yet I can establish no legal claim upon him, nor upon any living human being! My reputation, my property, my happiness are irrevocably in the power of this slanderer on false grounds; this rapacious defender of his right to

evade written bonds. I cannot release myself. I exist and suffer; but the law denies my existence (Norton, 1855, 96).

She had had to bear the heart breaking sorrow of losing one of her sons, George having denied her access to him during his illness until it was too late. Taking advantage of this situation, he had stopped the child support payments. Caroline had taken this matter to court but she had lost the case. She moved in high society and had friends in both the government and judiciary. The influential friends and contacts were lobbied for legal reforms. Simultaneously with this lobbying she started her political writing career. She wrote political pamphlets such as *Observations on the Natural Claim of a Mother to the Custody of her Children as affected by the Common Law Right of the Father* (1837), *A Plain Letter to Lord Chancellor on Infant Custody Bill, The Separation of Mother & Child by the Law of Custody of Infants* (1838) etc. All of these political pamphlets were aimed at making an amendment to the existing child custody law. In the political pamphlet *A Plain Letter to Lord Chancellor on Infant Custody Bill* she used a pseudonym Pearce Stevenson. This shows her literary wit and cleverness. Due to her immense fight and her political writings, at last in the year of 1839, the Infant Custody bill was passed giving rights to mother to appeal in court to have the custody of a child who was below seven years of age, and access to meet children who were below sixteen years of age (Atkinson, 2012, 274). Even the passing of this bill had no effect on George Norton, however, who consistently refused Caroline access to her children. According to British common law of that time George did not commit any mistake by keeping his estranged wife away from the children (Blackstone's Commentaries, 2: 441). We can see this in Judge Ellenborough's decision regarding the father's custody rights, mentioned in the *Lennard de Manneville* custody case.<sup>16</sup> The authors who formulated this had condemned the Custody of Infants bill, saying it led to the loosening of maternal rights since women would be separated from their husbands. They viewed that marriage was indispensable. This suggests that the authors were not genuinely interested in protecting the rights of the feminine class. It seems they were not at all bothered

<sup>16</sup> See:

<http://www.jstor.org/discover/10.2307/744012?uid=38169&uid=3738880&uid=2129&uid=368665151&uid=2&uid=70&uid=3&uid=67&uid=38165&uid=62&sid=21102413763777> accessed on: 17.06.13.

about the individual, rather they considered the whole marriage as a unit which should be protected at any cost. The dissolution of marriage had to be the direct interest of the state so that it could be avoided. They kept themselves away from the issue of separation and child custody. They considered those women who were separated as persons who did this to bring infamy to the family. This reveals their misogynistic attitude and idealistic attitude towards the wives and husbands respectively. They considered that since separation would result in a lack of marital rights, so the state should act to stop it (Chedozy, 1992: 12).

In 1853, when the legal cases were going on against Caroline, her financial and legal fragility was revealed. After her husband claimed the proceeds of her writing she publicly announced that since her husband had the sole right to her income from the writings, henceforth she would only write on the need for a change in these laws related to marriage and property, as these laws gave only her husband profit.

In 1854, a small change in the divorce law was attempted by Lord Cranworth through a bill which aimed to transfer the divorce cases from the old ecclesiastical court to a new court. In the same year Caroline produced one of her most famous writings, *English Law for Women in the Nineteenth Century*, published privately. She did not stop there, instead in the next year she wrote another book named *A Letter to the Queen on Lord Cranworth's Marriage and Divorce Bill*. In the next session of Parliament, Lord Lyndhurst paraphrased many of the verses but the bill was finally passed in the session of 1857. It included many changes which are considered to be directly inspired by Caroline's pamphlet *A Review of the Divorce Bill of 1856, with propositions for an amendment of the laws affecting married persons* 1857 (Norton, 1857: 80-85). Women could now have ownership of their own property and earnings as single women, husbands were barred from claiming their wives' earnings if they were separated, and wives could sign contracts as well as file a case in court as a single entity. Throughout the pamphlet, she repeats phrases which were strategically placed to influence the readers and showcase her emotions, for example "NON-EXISTENT". This word showcased her frustration as well as anger due to her ill fate. This also shows the sorrow and contradictions with

which she had to live. Her writing shows her literary skills, political skills, and her fighting skills for a greater cause but still she had no legal identity as per the English laws. This is evident when she mentioned them as factors that affected her flow of writing and how they impacted on it, too. She stated that while she sat to write she was distracted due to her heart breaking and could not control herself writing 'in different directions'. Precisely when she was least persuasive, least polished and least controlled, her voice was clearly heard, and what she intended to speak or convey directly reached into the heart of readers. In her book, *English Laws For women in the Nineteenth Century*, her voice was very clear regarding her experience and the pain of living as a Victorian wife, but it also strongly indicates the amount of frustration, anger and fear which Victorian women endured and which could be the voice of any relative or friend of today.

Her victories, then, were the Infant Custody bill which passed into law in 1839, the Matrimonial Act of 1857, the Married Woman's Property Acts of 1870 and the Infant Custody Act of 1873.

## CONCLUSION

It is a commonplace that the head of the Victorian household was the husband, the wife playing an extremely crucial but secondary role in counselling him on decisions of a family nature. Queen Victoria was certainly a role model of wife and mother having had nine children, and it was common knowledge at the time that she prized the family as a unit. For this reason, various images of Queen Victoria and her husband and family were selected to illustrate individual chapters.

The overall findings of this study are that the protagonism of upper class Victorian women regarding courtship, marriage and property shows similar evidence of patriarchal domination. Philosophers and writers such as Jean Jacques Rousseau, John Ruskin, Coventry Patmore and Sarah Lewis exemplify similar views - that men were naturally gifted as the head of the household while women were suited to be the guardians of the house. Men must lead and women must follow, as a natural course. Through the work of Caroline Norton and others this concept was gradually modified as the nineteenth century progressed.<sup>17</sup>

Women are naturally different from men physically. This is conceded by the late nineteenth-century women's emancipatory movement. Thus, men's and women's work is also clearly marked as different. A man was expected to earn money and make it available to his family. Women's work on the other hand, was (is) overseeing the education and care of her children, shopping organizing the household and providing tranquillity in a peaceful and comfortable home. According to Burstyn (1980) a woman's work is teaching good virtues and moral values through her tenderness as well as how to be the 'moral guardian of society' (Wilhelm: 2007: 4).

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<sup>17</sup> However, it still exists in the developing countries, for example in Timor-Leste. This concept is rooted in the society and forms an integral part of the culture up to the present time.

After examining the Victorian courtship rituals, the conclusion to be drawn is that the parental restrictions on public shows of affection and/or love between a young couple shows courtship was deemed to provide an experimental period of acquaintance between a man and a woman, to ascertain if they were suitable partners for a lifetime commitment for marriage. Coming out was a popular expression for young Victorian women and men meaning they would be introduced to society through a ball or dance. In this respect, there was etiquette for young men to follow which included putting their names on dance cards with a view to a subsequent meeting with the chosen lady. The role of a chaperone was to supervise these activities to make certain the man did not defile the young woman at the dance.

Marriage was a social duty because it obliged the family and helped to widen social contacts, therefore, It was important to marry within the same class since social standing was just as necessary as wealth to many families, particularly for upper-class families of Victorian England which were based on power, wealth, status, and convenience to secure their property for the next generation.

The Common Law system was known as the general expression of manmade law in the Victorian times. In effect, all moveable and immoveable resources were dominated by men. Marriage was under the common law doctrine of coverture and in plain language husband and wife were regarded as one person. In this respect, the wife had no property of her own; her personal estate absolutely, and her real estate during coverture, were her husband's.

Divorce rarely happened due to the ecclesiastical law and because it entailed the loss of wealth and property. Since this accumulated from generation to generation and helped to strengthen the family line, divorce was neither economically nor socially practical. It guaranteed the family losing some of its strength and influence. The important 1857 Divorce and Matrimonial Causes Act, along with removing divorce matters from the control of Parliament and the ecclesiastical courts, also secured some property rights for married women. This Act also gave a woman who had been legally separated from her husband the rights of property enjoyed by a single woman or *feme sole*.



Erickson (1993) notes that in early modern England daughters inherited from their parents with their brothers. Parents normally gave their daughters shares comparable in value with those of their brothers, although girls usually inherited personal property and boys more often real property.

Women and property were part of the same patriarchal system which was based on primogeniture. In this sense, the material possessions of the father were inherited by the eldest son, and daughters were married off for familial interest. The 1870 Act, amended in 1874, took the first step towards entitling married women to enjoy legal as well as equitable ownership of property. It allowed women to keep revenues or property earned after marriage.

A further Married Woman's Property Act in 1882 allowed women to retain what they owned at the time of marriage. This 1882 Act was a most significant change in the legal status of women in the nineteenth century. Victorian feminists viewed this act as one of the best achievements of equal rights in the public realm. The law stopped regarding women as beings defined by their social roles as wives or mothers and treated them as equal citizens with men - a glorious victory for married women who were trying to escape from difficulty.

Children's rights were paid attention to in the second half of the nineteenth century, which marked a significant change in the legal status of child custody while it also saw a transformation of domestic masculinity and the creation of a new ideal of fatherhood in the contexts of the emerging nuclear family and the idealization of the home. Lawrence Stone (1990) in *Road to Divorce* speaks of a revolution in attitudes towards child custody in cases of separation and divorce based on the first Divorce Act 1857 that the new 'matrimonial causes court' was empowered to allocate custody of children in divorce cases.

One of the main people responsible for these changes was Caroline Norton. The state of child custody law pre-1839 can best be seen in her pamphlets: *Separation of Mother and Child by the Law of Custody Infants Considered* (1837) and *A Plain Letter to the Lord Chancellor on the Infant Custody Bill* (1839). Both pamphlets contested the situation and urged the Court of Chancery to alter the law that automatically gave the custody rights to the father.

The marriage between Caroline and George Norton was largely without affection and can be characterized as being a very difficult one. The decision to separate was taken by Caroline after ten years of violent married life. Her husband reacted in a very negative way, taking all the three children from her and taking possession of all the shared property. He also denied Caroline access to the children and filed a case for adultery in a public court. This action provoked Caroline to act in order to change what she saw as unfair treatment in the courts. Caroline moved in high society and had friends in both the government and the judiciary. Her privileged position allowed her to speak where others would have found closed doors, and she took advantage of every opportunity she had. Her first victory was the infant custody bill which passed into law in 1839, followed by the Matrimonial Act of 1857, the Married Woman's Property Acts of 1870 and the Infant Custody Act of 1873.

Norton's writing shows her literary, political and her fighting skills, but still she had no legal identity as per the English laws. This is evident when she mentioned them as factors that affected her flow of writing and how they impacted on it, too. Even when she was least persuasive, least polished and least controlled, her voice was clearly heard, and what she intended to speak or convey directly reached into the heart of readers. In her book, *English Laws For women in the Nineteenth Century*, her voice was very clear regarding her experience and the pain of living as a Victorian wife, but it also strongly indicates the amount of frustration, anger and fear which Victorian women endured and which could be the voice of any relative or friend of today. In the pamphlets, she tries to correct, and stabilize, the mobile images of herself produced by lawyers and the press. Her legal writings become another scene of representation in which we may trace a movement from the object of discourse to speaking subject, an attempt at self-transfiguration in the name of 'The Spirit of Justice' (Dolin, 2002: 505).

Caroline Norton played an important role in the public debate on changes in the child custody laws, where both conservatives and reformers told and retold stories of real and hypothetical mothers while attempting to control and define public opinion. The most significant of Norton's letters to parliament employs hypothetical and real women's narratives of maternal suffering and her ability of

retelling the legal fictional story to emphasize that sentimental stories of legal injustice can highlight the unnaturalness of existing custody law. To accomplish her goals Norton gives evidence for her uses of women's stories and deflects conservatives' attacks upon them. In this case, she also gives a detailed account of what she understands as the malfunctioning of the courts and parliament in the nineteenth century. She raises the cases and stories that the compilation of common law had alternately privileged or buried to suggest that the courts had refused to grant women custody rights on the basis of fiction.

The conclusion has to be drawn that although legal changes would have surely come in the realms of divorce and child custody, Caroline Norton's voice and actions made sure they came a little bit sooner.



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## APPENDIX 1

### MARRIAGE and CHILD CUSTODY LAW CHRONOLOGY<sup>18</sup>

- 1753 Lord Hardwicke's Marriage Act** standardized wedding ceremonies by requiring that they be conducted by ordained Anglican clergymen in official churches in one's parish of residence after the reading of the banns for three Sundays prior to the marriage. Alternatively, a marriage license could be obtained, though it was more expensive and required a four-week waiting period. The act was intended to prevent clandestine marriages, particularly among minors, by requiring parental consent for those less than 21 years of age.
- 1835 Deceased wife's Sister's Marriage Act** prohibited marriage between a widower and his sister-in-law. Based on ecclesiastical canon opposing unions of familial affinity, this act made marriages that had previously been invalid only if challenged in court absolutely illegal
- 1836 Civil Marriage Act** recognized weddings performed in churches other than the Church of England if they were licensed for marriage and the ceremony was conducted in the presence of a civil registrar. It also allowed civil services to be conducted in the office of the registrar.
- 1839 Custody of Infants Act** allowed a mother to petition for custody of children under seven years old in case of divorce, unless she had been guilty of adultery. A mother could also request periodic access to children over seven.
- 1856 Lord Brougham's Marriage Act** was aimed at ending "Scots" marriages that evaded English marriage law. The act required one member of a marrying couple to reside in Scotland for three weeks prior to marriage in that country. This act also lowered fees for civil marriages and eliminated

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<sup>18</sup> Adapted from Phegley, 2012: xviii

the requirement of a public announcement of intent to marry for civil weddings in England

**1857 Matrimonial Causes Act (also called the Divorce Act)** allowed a wife to sue for divorce if her husband committed adultery and if it was compounded by desertion (for more than two years) or brutality or if his adultery was committed with a relative, a man, or an animal. A husband could seek a divorce based on adultery alone.

**1870 Married Women's Property Act** gave married women the right to their own earnings after marriage and to amounts of up to 200 pounds in gifts or inheritances.

**1873 Infant Custody Act** provided the possibility that a mother could obtain child custody even if she had committed adultery, and increased the age of the eligible children from 7 to 16.

**1878 Amendment to the Matrimonial Act** permitted a woman to seek a legal separation and maintenance order through a local magistrate if her husband was convicted of assaulting her. If the order was granted, neither party could legally remarry, as they could with a divorce.

**1882 Married Women's Property Act** gave every married woman sole possession of all earnings and inheritances, before or after marriage.

**1883 Custody Acts** which allowed for women to be awarded custody of children up to the age of 16.

**1886 Guardianship of Infants Act** established that the welfare of the child should be considered in all custody decisions, eliminating the de facto right given to the father. It also granted the mother the right to guardianship after the death of the father or to joint custody with a guardian appointed by the father.

**1886 Maintenance in Case of Desertion Act** reinforced the 1878 amendment to the Matrimonial Causes Act by expanding the possible causes of separation and maintenance to include desertion and neglect. In 1895, persistent cruelty was also added as a legitimate cause for formal

separation, and the requirement of convicting and jailing the husband first was eliminated.

**1907 Repeal of the Deceased wife's sister Marriage Act**

**1918 Voting Act** enfranchised all women over age 30

**1923 Divorce Law Reform Act** allowed women to divorce their husbands for adultery alone

**1928 Equal Franchise Act** provided equal voting rights for all men and women over age 21 years old.



## APPENDIX 2

### CAROLINE NORTON'S PUBLICATIONS<sup>19</sup>

- 1829** *The Sorrows of Rosalie. A Tale with Other Poems.*
- 1830** *The Undying One and Other Poems.*
- 1834** Editor of the *English Annual*.
- 1835** *The Wife and Woman's Reward, and The Coquette and Other Tales and Sketches, in Prose and Verse* (first novel).
- 1836** *Voice from the Factories. In Serious Verse*, (a long social problem poem published anonymously).
- 1839** *A Plain Letter to the Lord Chancellor on the Infant Custody Bill.*
- 1840** *The Dreams and Other Poems.*
- 1845** *The Child of the Islands* (addressed to the infant Prince of Wales).
- 1847** *Aunt Carry's Ballads for Children.*
- 1848** *Letters to the Mob*, (an anti-Chartist pamphlet).
- 1851** autobiographical novel, *Stuart of Dunleath: A Story of Modern Times*.
- 1854** *English Laws for Women in the Nineteenth Century.*
- 1855** *A Letter to the Queen on Lord Chancellor Cranworth's Marriage and Divorce Bill.*
- 1857** *A Review of the Divorce Bill of 1856, with propositions for an amendment of the laws affecting married persons.*
- 1862** *The Lady of La Garaye* (considered her best poem).
- 1863** *Lost and Saved* (novel).
- 1867** *Old Sir Douglas* (novel).

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<sup>19</sup> Adapted from <http://www.victorianweb.org/authors/norton/chron.html>> Accessed on: 1/7/13



## APPENDIX 3

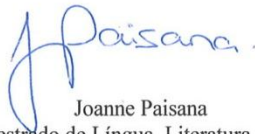
### LETTERS OF RECOMMENDATION

			
<p>Campus de Gualtar 4710-553 Braga</p>	<p>Universidade do Minho Reitoria</p>		
<p>tel.: +351 253 601190 fax: +351 253 601059 sec-rvcastro@reitoria.uminho.pt</p>	<p>UK Border Agency Officers Gatwick Airport United Kingdom</p>		
<p>sua referência</p>	<p>sua comunicação de</p>	<p>nossa referência</p>	<p>data</p>
		<p>VRT-RVC-108/2012</p>	<p>29/05/2012</p>
<p>assunto</p>	<p>Mensagem</p>		
<p><b>Confirmation of student status of Júlio Sarmento Lopes</b></p>	<p>I, <b>Rui Manuel Vieira de Castro</b>, confirm that Júlio Sarmento Lopes is a member of academic staff of the National University of East Timor, Dili, Timor-Leste, who is currently a student on the Masters Course in English Language, Literature and Culture at the University of Minho, Braga, Portugal.</p> <p>His present visit to the United Kingdom is for literary research and he will be returning to Portugal on 23 June 2012 on a pre-paid air ticket. Accommodation has also been arranged for him at the Generator Hostel in London and he is the bearer of a pre-paid voucher for this hostel, as well as a voucher for the journey from Gatwick Airport.</p> <p>I further confirm that his visit to the United Kingdom has been arranged by colleagues at the University of Minho and that his will continue to be in receipt of a scholarship of 800 Euros per month part of which he will use to cover his subsistence costs and incidental expenses.</p>		
<p>Yours faithfully,</p>			
<p> Rui Manuel Vieira de Castro Vice-Rector (Teaching and Research)</p>			

Exmo. Sr. Tony Lavender

Venho por este meio informar que no âmbito de seu mestrado intitulado 'O Namoro e o Casamento da Alta Sociedade na Inglaterra Vitoriana', o meu mestrando Júlio Sarmento Lopes precisa de se deslocar ao British Library, Londres, durante vinte dias do mês de Julho. Esta visita é essencial para recolher bibliografia.

Com os meus melhores cumprimentos



Joanne Paisana  
Orientadora (Mestrado de Língua, Literatura e Cultura Ingleses)

Braga, 5 de Março de 2012





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UK Border Agency Officers  
Gatwick Airport  
United Kingdom

sua referência	sua comunicação de	nossa referência	data
		104-TIMOR/2012	28-05-2012

Assunto  
**Information carried by  
Professor Júlio Lopes**

Mensagem

I, Antony Michael Lavender, confirm that I contacted Worldbridge Lisbon as advised by the UK Border Agency representative at the UK Embassy in Madrid on 25 April 2012 concerning the possibility of the bearer requiring a visa to enter the United Kingdom on 2 June 2012. I was informed that he did not need a visa but should be in possession of the following documentary evidence:

1. A letter from his Masters Course supervisor concerning research work to be conducted at the British Library in Euston Road London;
2. A letter from the Vice-Rector (Teaching and Research) concerning his current course of study, scholarship and visit arrangements;
3. A hotel voucher for a three week stay at the Generator Hostel in Russell Square, London;
4. An electronic air ticket for his return to Porto from Gatwick Airport on 23 June 2012; and
5. Details concerning the availability of funds for his subsistence costs, while in the United Kingdom from his bank (Caixa Geral de Depósitos) on the Gualtar Campus of the University of Minho.

Yours faithfully,

Antony Michael Lavender  
Associate Co-ordinator,  
UNTL Staff Training Project

(UK passport No: 704343393)